

Freedom of Information request IR 504/2013

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Information request

On my second question i asked you if a claimant could skip the mandatory reconsideration and appeal directly to the tribunal.

You replied;

*2.
As above, it is for the Tribunal to decide whether or not an appeal meets the requirements of the Tribunal Procedure Rules, and can be accepted.*

However, the Regulations would appear to preclude this, specifically (in the case of Universal Credit and Personal Independence Payment) Regulation 7(2) of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013 (SI 2013/381), which states:

(2) In a case to which this regulation applies, a person has a right of appeal under section 12(2) of the 1998 Act in relation to the decision only if the Secretary of State has considered on an application whether to revise the decision under section 9 of that Act.

YOU STATE, "HOWEVER, THE REGULATIONS WOULD APPEAR."

THIS IS NOT DEFINITIVE. CATEGORICALLY STATE THE CASE ONE WAY OR THE OTHER PLEASE.

DWP response

The Department cannot provide a definitive reply to your question. As stated in the previous reply, the decision on whether or not to accept an appeal is for the Tribunal judge to make.

I should also like to add that you have now been informed on numerous occasions that the Freedom of Information Act is about the supply of recorded information held only, and is not about entering into a debate. As you have once again submitted a request which is attempting to engage in debate and is not for recorded information held by the Department, I find this request to

be invalid and vexatious in nature. In view of this the Department is under no obligation to answer it, and will not enter into further debates or respond to further FOI Requests on this matter.