

09-25: Date from which State Pension is Claimed - Effect of Upper Tribunal Decision

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Introduction

1. This memo gives guidance on the decision of the UT in [Secretary of State for Work and Pensions v DS \[2025\] UKUT 158 \(AAC\)](#).

Background

2. The claimant reached State Pension (SP) pensionable age on 20.8.21. He made an electronic claim for SP on 17.8.22, stating on the online form that the date from which he wished to receive benefit was 20.8.22. The DM awarded SP from that date. In October 2022 the claimant then realized that he had made a mistake and asked for his benefit to start on 20.8.21 instead. The DM refused the request. On appeal, however, the FtT held that the period of the claim could be changed in the way the claimant wanted. The Secretary of State appealed to the UT.

UT's Decision

3. The UT upheld the Secretary of State's appeal, finding that:
 1. the period of a SP claim is
 1. determined by what the claimant asks for when claiming, the identification of the date from which a claimant wishes their entitlement to State Pension

- to begin is a 'constitutive' element of the claim **and**
- 2. cannot be changed after the claim has been decided **and**
- 2. the DM
 - 1. is not required to question a claimant's clear and unambiguous statement as to the date from which they wish to claim **and**
 - 2. cannot properly be criticised for deciding an unambiguous claim quickly.

Applying the UT's Decision

Claims

- 4. The DM should find, without further investigation, that the period covered by a SP claim starts on the date the claimant specifies when claiming unless the claimant's response to the relevant question asked by the claim form or process is:
 - 1. incomplete (e.g. just gives a year) **or**
 - 2. incoherent or obscure (e.g. the answer is not a date under the Gregorian calendar) **or**
 - 3. obviously mistaken (e.g. the date is long before retirement age or far in advance of the current date) **or**
 - 4. contradicted by an additional statement submitted with the claim¹.

1 R(SB) 18/85 & R(SB) 2/91

- 5. However, if the claimant asks for the date on which their claim starts to be changed **before** the claim is decided, the DM should accept that the period of the claim has been amended¹. As a decision on a claim does not take legal effect until it is notified², such an amendment can be made at any point prior to the notification of a decision on the claim being **sent**. If a request for an amendment is made but not acted on before a decision on the claim is notified, the DM should revise the decision on the ground of official error (DMG 03256).

1 SS (C&P) Regs, [reg 5\(1\)](#); 2 [R \(Anufrijeva\) v Secretary of State for the Home Department and another \[2003\] UKHL 36](#)

Mandatory reconsideration

- 6. If a claimant asks for the period of a claim to be changed **after** a decision on the claim has been notified, the DM should treat this as request for MR. The request should be refused unless, when deciding the claim, the DM:
 - 1. misunderstood what the claimant said, when claiming, about the date from which

they wished to claim **or**

2. failed to clarify an answer that was incomplete, incoherent, obscure, obviously mistaken or contradicted by an additional statement submitted with the claim.

1 R(SB) 18/85 & R(SB) 2/91

Annotations

Please annotate the number of this memo against the following DMG paragraphs: [02420](#) and [74501](#) (heading).

Contacts

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo [4/19](#) Requesting case guidance from DMA Leeds for all benefits.

DMA (Leeds): August 2025

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