

The Appeals Officer's Decision

Summary Decision

An Appeals Officer may decide that a decision can be made on the basis of the written evidence provided. This is called a summary decision.

Summary decisions are made when the circumstances are clear, simple and appropriately supported with relevant documentation. They can be processed faster than oral hearings.

Oral Hearing

An Oral Hearing allows you to attend the appeal hearing with the opportunity to present your case and answer questions to the Appeals Officer. You can request that your appeal be held as an Oral Hearing. In doing so, you should give the reasons why you consider your case requires an oral hearing on the appeal form.

However it is a matter for the Appeals Officer to decide whether an appeal can be decided by summary decision or whether an oral hearing is required.

Where the Appeals Officer believes there may be a conflict in the evidence presented or where they agree that the appellant should be given the opportunity to present their case in person, the Appeals Officer may decide to convene an Oral Hearing which you will be invited to attend.

With the approval of the Appeals Officer, you may also have the opportunity to interact with Department officials and witnesses, and respond to information or evidence submitted, at the oral hearing.

Representation at Appeal

You may bring a representative to accompany you and assist you at an appeal hearing. This could be a friend, colleague, public representative or trade union official. You are free to bring legal representation if you wish, but this is not a requirement and you may incur costs. The Social Welfare Appeals Office does not pay legal costs.

Appeals Decisions

Regardless of whether your appeal is decided by summary decision or by oral hearing, you will be notified in writing of the Appeals Officer's decision.

You should receive the Appeals Officer's decision in writing usually within six weeks of a hearing. If your appeal is not successful the letter from the Appeals Officer should explain and detail the reasons why it has not been successful.

Further Appeals

Chief Appeals Officer *(no charge or costs)*

If you are not happy with the decision of the Appeals Officer you may appeal to the Chief Appeals Officer. The Chief Appeals Officer may revise any decision where it appears that a mistake was made in relation to the law or the facts. In making a request for such a review the appellant must state the reason why they believe a mistake was made regarding the law or the facts.

Office of the Ombudsman *(no charge or costs)*

If you disagree with the final decision of the Social Welfare Appeals Office you can request the Office of the Ombudsman to examine your case. The Ombudsman has the right to consider the fairness of any decision of the Social Welfare Appeals Office, and whether the original decision was made in accordance with the law.

High Court *(may incur legal costs)*

You may appeal to the High Court on a point of law or seek a judicial review. You will need legal advice.

Useful Contacts

Irish National Organisation of the Unemployed

Telephone: 01 856 0088
Email: welfare@inou.ie
Website: www.inou.ie

Social Welfare Appeals Office

Tel: LoCall 1890 747434
Website: www.socialwelfareappeals.ie

Office of the Ombudsman

Tel: LoCall 1890 223030 Website: www.ombudsman.gov.ie



Irish National Organisation
of the Unemployed
www.inou.ie

Social Welfare Appeals

A guide to making a Social Welfare Appeal

- The Appeals System
- What can be appealed?
- Seeking a Review
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- The Appeals Decision
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- Useful Contacts

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The Appeals System

If you think you have been wrongly refused a social welfare benefit or payment you can appeal this decision to the Social Welfare Appeals Office.

The Social Welfare Appeals service is available to you if you consider a decision of the Department of Social Protection on questions relating to entitlement to social welfare payments, or certain Supplementary Welfare Allowance payments, is incorrect.

The officials who make decisions about your claim at the Department of Social Protection (DSP) are known as Deciding Officers (DO) or Designated Persons (DP).

What can be appealed?

Not all Social Welfare schemes can be appealed. In general decisions relating to schemes which have a statutory basis have a right of appeal.

Some of the Schemes which can be appealed:

- Jobseeker's Benefit and Jobseeker's Allowance
- Disability Allowance and Illness Benefit
- Invalidity Pension
- Carer's Allowance and Carer's Benefit
- Domiciliary Care Allowance
- One Parent Family Payment
- Child Benefit
- Family Income Supplement (FIS)
- Habitual Residence Condition (HRC)
- Supplementary Welfare Allowance (SWA)
 - Basic Allowance
 - Rent and Mortgage Interest Supplement

Penalty rates and overpayments

- **Jobseekers Allowance:** If your payment has been reduced to a penalty rate you cannot appeal the actual reduced rate of payment, but you may be able to appeal the grounds on which that penalty rate has been applied to you
- **Overpayments:** The decision disallowing a social welfare payment and assessing an overpayment can be appealed. The method of recovery of an overpayment cannot be appealed.

Please contact the INOU for more information

If the payment or scheme you wish to appeal is not covered by the Social Welfare Appeals Office, you can ask for a review of the decision by the Department of Social Protection, but you cannot make a formal appeal.

Do I need to make an Appeal?

Before lodging an appeal you should check to see if you have sufficient grounds to make an Appeal. A formal Appeal may not be necessary in all cases. In some instances other options may be available to resolve issues or problems without a formal appeal – for example you can seek a review of the decision.

Contact the INOU, on 01 856 0088, or your local Citizens Information Centre, for more information – **before you lodge your appeal.**

Seeking a Review

If you are unhappy with a decision made by a Deciding Officer (DO) or Designated Person (DP) about your claim you have the right to ask the Department to **review** the original decision where:

- You have new or additional information which was not available to you or the Deciding Officer at the time of the original decision, which if available at the time of the original decision you feel may have resulted in a different decision, **or**
- You believe that the decision is factually or legally incorrect, or where the view of the Deciding Officer may be changed with further clarification.

This request for a review should be submitted to the Department in writing. If the review process is unsuccessful, you may wish to consider making a formal appeal to the Social Welfare Appeals Office.

Please contact the INOU's Information and Advocacy Service on 01 856 0088 or by email welfare@inou.ie for more information to discuss whether your situation can be appealed.

Making an Appeal

Your Appeal must be made in writing **within 21 days of receiving the decision**, or if undergoing a review, 21 days from completion of the review. You can appeal by letter or by using the Appeal Form – SWA01, available from any Social Welfare Office or the Appeals Office.

You should include the following on the form:

- Your name and address
- Your Personal Public Service Number (PPSN)
- The decision you are appealing
- All the facts and points which support why you believe the Department's decision was wrong. This can be written on the back of the Appeal Form or on a separate sheet of paper.
- If you wish to have your appeal held as an Oral Hearing, include this request on the Appeal Form.
- If you wish to be represented at an Oral Hearing, include the name of the person or organisation.
- If you will be seeking a copy of your Social Welfare file from the Department for the Appeal.

You should attach the following with the form:

- Any documentary evidence you have, i.e. copies of letters from the Department of Social Protection, your doctor or social worker, etc.
- A copy of the letter from the Department with the Deciding Officer's decision.

Please remember to:

- Keep a copy of the Appeal Form (both sides)
- Keep a copy of any letters, documents, reports or notes you included with the appeals form.

Receipt of Appeal Notice

Once your appeal is received and registered, the Appeals Office must then pass it to the Department for their comments on your grounds of appeal. The Deciding Officer/Designated Person may change their decision at this stage in the light of new evidence. If they do not change their decision, they will forward your file and their comments on your appeal to the Appeals Office. An Appeals Officer will then consider the case.