

## 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 appeals service is available to persons who are unhappy with decisions of Deciding Officers of the Department of Social Protection on questions relating to entitlement to social welfare payments and on questions relating to entitlement to certain Supplementary Welfare Allowance payments.

## What can be appealed?

Not all schemes can be appealed. This is a list of some of the Schemes which can be appealed:

### Schemes which are Appealable include:

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

### Schemes which are not Appealable include:

- Exceptional Need Payments - made under the Supplementary Welfare Allowance Scheme
- Back to School Clothing and Footwear
- Free Schemes (Electricity/Gas/Telephone)
- Overpayments (recovery under Code of Practice)

**Please contact the INOU for more information.**

## 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.

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 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 cannot make a formal appeal.

The officials who make decisions about your claim at the Department of Social Protection (DSP) are known as 'Deciding Officers'.

If you are unhappy with a decision made about your claim you have the right to ask the Deciding Officer to **review** their original decision. This request can be made by telephone but should also be supported by an application in writing, requesting that you receive a fair and unbiased review of the original decision, if:

- 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.
- The decision is factually or legally incorrect **or** where the view of the Deciding Officer may be changed with further clarification

If the review process is unsuccessful, you may wish to consider making a formal appeal - if it is appealable.

## Making an Appeal

Your Appeal must be made in writing [within 21 days of receiving the decision](#). You can do this 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 (PPS)
- The decision you are appealing
- Write down 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.
- That 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

You should get a letter from the Social Welfare Appeals Office telling you they have received your appeal. It will contain your Appeal Reference Number which you should refer to in all further contact with the Social Welfare Appeals Office.

## The Appeals Process

In practice there are two types of appeal:

**Standard Appeal** and **Oral Hearing**.

### - Standard Appeal

This is where:

- The Appeals Form is completed
- All relevant information is supplied in writing
- All letters, forms, paperwork, etc. are attached

This material is sent to the appeals office for the Appeals Officer to make a decision.

This type of appeal is particularly useful where the circumstances are clear, simple and appropriately supported with relevant documentation. They can be processed faster than Oral Hearings.

### - Oral Hearing

This is where:

- The Appeals Form is completed
- All relevant information is supplied in writing
- All letters, forms, paperwork, etc. are attached
- You attend the hearing, with the option to bring a representative and have witnesses attend.

An Oral Hearing is similar to a standard appeal. The main difference is that it allows you to attend the Appeal hearing with the opportunity to present your case and answer questions to the Appeals Officer. You will also have the opportunity to interact with Department officials and witnesses, and respond to information or evidence submitted.

## Representation

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, this is not a requirement. You may incur costs using a legal representative.

## Appeals Decisions

You should receive the Appeals Officer's decision in writing usually within six months if there has been 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

If you are unhappy with the decision of the Appeals Officer you have the following options:

### **- Chief Appeals Officer** (No charge or costs)

You can make a written request for a revised decision from the Chief Appeals Officer. Any revisions will only be made if it appears that a mistake was made in relation to procedure, 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.

### **- 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 (INOU)**

Telephone: 01 - 856 0088 Website: [www.inou.ie](http://www.inou.ie)

### **- Social Welfare Appeals Office**

Telephone Locall: 1890 74 74 34 Fax: 01 - 671 8391  
Website: [www.socialwelfareappealsoffice.ie](http://www.socialwelfareappealsoffice.ie)

### **- Office of the Ombudsman**

Telephone: 01 - 639 5600 Fax: 01 - 639 5674  
Website: [www.ombudsman.gov.ie](http://www.ombudsman.gov.ie)



Irish National Organisation  
of the Unemployed

# Social Welfare Appeals

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