



Department  
for Work &  
Pensions

## Secretary of State's Response

### Section 1: Personal details

**Name:** <Title> <Forenames> <Surname>

**Address:**

**NI No:** <NINo>

**Benefit:** <Benefit Type>

**Date of decision:** <Decision Date>

**Date decision notified:** <SODN>

**Date of reconsideration:** zDateRecon

**Date appeal received:** <Date Lodged>

**Decision maker's name  
and address:** <Decision Maker>

**Name and address of the  
decision maker's  
representative (if any):  
Address where documents  
for the decision maker may  
be sent or delivered:**

**Name and address of any  
other respondents and  
their representatives (if  
any):** <RepName>

Section 2: Schedule of evidence

Comment [M1]: List all evidence included in the submission

Document No.	Date of document	Date of receipt/issue	Brief description of document

### Section 3: The decision

### Section 4: The facts of the case

1. <Title> <Surname> is a single/married/civil partnership <manwoman> and was born on <DoB>. <HeShe> was awarded Employment and Support Allowance from and including zClaimDate on the basis that <heshe> was suffering from zMedCon.

**Comment [M2]:** Apply as appropriate

2. <Title> <Surname> is employed and should be entitled to Statutory Sick Pay.

3. On <Decision Date> the Decision Maker taking all the available evidence into account decided that <Title> <Surname> was not entitled to Employment and Support Allowance from and including zClaimDate.

4. <Title> <Surname> made an appeal on the approved form, on the grounds that \*.

**Comment [M3]:** Briefly summarise customer's grounds of appeal. Consideration to be given only to the points raised in the appeal.

5. The decision of <Decision Date> was reconsidered on zDateRecon but not revised.

## Section 5: The response

1. A person is not entitled to an Employment and Support Allowance in respect of a day if, for the purposes of statutory sick pay, that day;

- (a) is a day of incapacity for work in relation to a contract of service, and
- (b) falls within a period of entitlement (whether or not it is a qualifying day).

**Welfare Reform Act 2007, Section 20(1)**

2. The Decision Maker taking all the available evidence into account decided that <Title> <Surname> was not entitled to Employment and Support Allowance from and including zClaimDate because <heshe> was entitled to Statutory Sick Pay.

3. *Appeal submission goes here.*

4. I respectfully request that the tribunal confirms the decision that <Title> <Surname> is not entitled to Employment and Support Allowance from <Decision Date> because <heshe> was entitled to Statutory Sick Pay.

**Comment [M4]:** Include argument to why the decision should be upheld. Consideration should be given to all points raised in their appeal. Include references to **relevant** legislation to justify the argument. Also include evidence used that influences this view and why other evidence, if available, was not strong enough to contradict

### Access to statute and case law for appellants

Copies of the law referred to in this response are available at some libraries. It can be accessed on-line via the DWP's website at <http://www.dwp.gov.uk/publications/specialist-guides/law-volumes/the-law-relating-to-social-security/>

Reported decisions of the Social Security Commissioners from 1991 can be accessed on-line via the DWP's website at <http://www.dwp.gov.uk/commdecs/index.asp>