

Information Sheet



8. What to do if you are turned down for a benefit (ESA, DLA or PIP)

Why might you have been turned down?

Possible reasons are;

- You failed to respond to a letter, failed to attend a medical or an interview.
- You were found fit for work, the term that the DWP use is 'found not to have limited capability for work'
- The one-year limit of ESA based on your National Insurance Contributions has ended and you or your partners have other income or savings.

Your options if you are turned down for ESA, DLA or PIP.

Challenge the decision

You can request a Mandatory Reconsideration of the decision and, if this is unsuccessful you can appeal.

Your Mandatory Reconsideration (MR) request must arrive at DWP on a working day within **one month of the date of the decision letter**, otherwise you must show 'good cause' for its lateness. You are advised to use a trackable delivery method and keep the receipt.

ESA cannot be paid whilst the reconsideration is made but if you make an appeal then you might be able to get benefit until the hearing. You can claim JSA during reconsideration.

If you failed to respond to contact from the DWP did you explain what had happened? Was missing the appointment unavoidable? If so it might be worth asking them to look at the decision again.

Claim Universal Credit (UC)

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This is a new benefit in some areas. For some people, it has replaced other means tested benefits (JSA, ESA & IS and also Tax Credits and Housing Benefit). Once you have claimed under UC it is unlikely you can claim any other benefit – get advice. The medical assessments are the same as those for ESA.

Claim Jobseeker’s Allowance (JSA)

If you wish to claim this benefit you need to be prepared for look to work and to stress what you can do and not what you can’t.

Claim Income Support (IS)

This is usually only an option if you are a lone parent of a child under 5 or caring for someone who is disabled it is also available to a few students.

If you are getting ESA in the ‘work related activity group’ and feel that you should be in the ‘Support Group’.

Being in the Support Group could be more suitable for you because it means that you do not have to take part in work focused activity and also that your contribution based benefit should continue but a revision looks at the whole benefit and you might lose what you already receive.

Always get advice before seeking such a revision or appeal.

What to do if you are turned down for Attendance Allowance, Personal Independence Allowance or Disability Living Allowance.

If you are turned down for any of these benefits or if you have been awarded a lower rate than your difficulties merit then you can ask for the decision to be looked at again. You usually have **one month** from the date of the decision but if your condition has got worse you can ask at any time, this is referred to as supersession. If the benefit is not changed then you still must seek a reconsideration.

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If you are getting any amount of the benefits already you should **get advice** because when they look at the benefit again they look at the whole benefit and you can lose what you are already being paid.

Definitions

A Reconsideration - Is a revision which changes a decision. It is described as Mandatory because it must be made before you can appeal.

A Supersession – Is a revision which creates a new decision.

In both your case is looked at again by a Case Manager at the DWP. They are usually made by writing a letter to DWP but can be made by phone.

An Appeal is where the case is looked at again by an independent Judge and where you can have the chance to put your case in person. This needs to be made on the form SSCS1.

You can find and download the SSCS1 form online by using the following link;

<https://www.gov.uk/government/publications/appeal-a-social-security-benefits-decision-form-sscs1>