

MONEY WHILE YOU ARE APPEALING YOUR DECISION

Employment and Support Allowance (ESA) Mandatory Reconsideration

- You **cannot be paid** ESA during the 'mandatory reconsideration' period.
- The Mandatory reconsideration should take the Department for Work and Pensions (DWP) around 14 days to complete; however, this may be longer if the DWP needs further information.
- You may be able to claim other benefits during this time, such as Jobseeker's Allowance (JSA) or hardship payments, you should ask about your entitlement at your local Jobcentre Plus office.
- If you are refused JSA or hardship payments you should seek further advice especially if you have no money to live on.
- For more advice you can call the GAIN **Helpline 0808 801 1011**. This is open Mon – Fri 10am to 8pm, Sat 10am to 2pm. This is free to call from a BT landline (some mobiles will charge).

Employment and Support Allowance (ESA) Appealing a Decision

- You only have **one calendar month** after receiving your reconsideration decision (called a 'mandatory reconsideration notice' – see **NOTICE 1** in this pack), to make an appeal. You need to send your appeal to the address on the appeal letter. It goes to Her Majesty's Courts and Tribunal Service (HMCTS) and not DWP.
- You **can be** paid ESA during the time you are awaiting your appeal hearing, this means after you send in your appeal request and you are awaiting an appeal hearing date. Ask Jobcentre Plus to do this (it's called 'ESA rapid reclaim'), or you can use the letter for this on www.glasgow.gov.uk/appealspack.

Jobseekers Allowance (JSA)

- Claiming JSA during the reconsideration period will have no impact on your ESA claim or appeal.
- If you have not claimed any benefit during the mandatory reconsideration period DWP should put ESA back into payment soon as they get your appeal letter.
- You must continue to provide medical evidence (fit notes) to cover the appeal period and provide any backdated fit notes.

Claiming Hardship Payments

- If your ESA stops, you could claim hardship payments to cover your basic living expenses until you receive your mandatory reconsideration notice from the DWP.
- If you claim hardship payments during the mandatory reconsideration period and you then appeal the decision, you should submit backdated sick lines (now called fit notes') from the doctor.
- If you **only received** hardship payments during the mandatory reconsideration period, you could be due some ESA money back if you are successful at your appeal hearing.

Personal Independence Payment (PIP)

- Sometimes there is a risk of losing benefit if you challenge a decision.
- If you are awarded Personal Independence Payment (PIP) 'daily living component' and 'mobility component' both at the standard rate and you ask for a mandatory reconsideration, or an appeal, the DWP or Tribunal can look at the **whole of your award** and you can risk losing what you have.
- You should always seek advice before asking for a mandatory reconsideration for your DLA or Personal Independence Payments.

Late Applications - Mandatory Reconsiderations/Appeals

- You do not have an automatic right to request a mandatory reconsideration if you miss the **one month time limit**. You can however, request an 'anytime review' from the DWP.
- If your review is refused, or it is not accepted as it is late, you may be able to request the Tribunal Service look at this instead of the DWP and you should seek further advice if you are out of time or you are refused.
- Late applications for appeals are still possible; seek further advice if you have missed the one month time limit for submitting an appeal request.