

**Casebase Number:**

**Title of Payment: Invalidity Pension**



Northside Community Law and Mediation Centre  
Northside Civic Centre  
Bunratty Road  
Coolock  
Dublin 17

Date of Final Decision: 30/01/2004

**Title of Payment:** Invalidity Pension

**Date of Final Decision:** 30<sup>th</sup> January, 2004

**Keywords:** Medical - invalidity claim - fit for work - payment topped - successful appeal

**Organisation who assisted claimant:** Northside Community Law and Mediation Centre (NCL&MC)

**Casebase no:**

**Case Summary:**

Appellant was injured in an accident in July of 1994. She began receiving Disability Benefit in August of that year. She suffered and continues to suffer from chronic back pain with disc prolapse. Although the Department found her capable of work following a medical assessment in 2002 and stopped payment of Disability Benefit, this decision was successfully appealed. Appellant applied for Invalidity Pension in 2003. She was denied on November 25, 2003, pursuant to the recommendation of a medical assessor who examined her November 5, 2003. Appellant's G.P. was not sent a questionnaire prior to this assessment. Appellant had been hospitalised due to her injuries and released just prior to the assessment. It was the view of Appellant's G.P. that she was not fit to attend the assessment and that she would not be able to work again. Appellant did not work from the date of her injury for the nine years until her invalidity pension claim was allowed. Appellant appealed the refusal of her claim and a second medical assessment took place on January 30, 2004. Based on this assessment, the decision was reversed and Appellant's Invalidity Pension Claim was allowed. No hearing was required.

**Summary of benefit(s) Received**

Appellant received Disability Benefit as early as 1994. Appellant was denied continued Disability Benefit payments from the July 31, 2001 on the grounds she was not incapable of work. This decision was reversed pursuant to a successful appeal on August 29, 2002. The appellant applied for and was refused Invalidity Pension in 2003. This decision was appealed December 10, 2003. Pursuant to a second medical assessment, her claim was revised January 30, 2004. Appellant was then awarded Invalidity Pension.

**Relevant Evidence put forth by Social Welfare Services**

N/A

**Relevant Evidence put forth by Appellant**

N/A

**Date Appeal Taken:**

December 10, 2003

**Date Appeal Heard:**

Decision was revised without hearing pursuant to medical reassessment on January 30, 2004.

**At Hearing:**

N/A

**Decision:**

N/A

**Appeals Officer's Reasoning**

N/A

**Appeals Officer's Conclusion:**

N/A

**Observations:**

The contested issue in this appeal was whether Appellant was incapacitated to the degree of being unfit for any work and, thus, entitled to Invalidity Pension.

The first medical assessor appears to have had incomplete information regarding the Appellant. Successful communication from Appellant's G.P., coupled with a second medical examination cleared up the controversy over Appellant's capacity for work, avoiding the need for an oral hearing.

This case highlights the importance of vigilantly monitoring medical assessments performed by the Department to ensure they both consider the Applicant's entire medical history and follow proper procedure in communicating with Appellant's G.P. and other medical care providers. It also suggests the strong influence providing a conflicting opinion from a doctor or specialist can have on the outcome of an appeal to a decision based on a Department Medical Examiner's recommendation.

For ***more information***, contact us at:

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