

**Casebase Number: Case 2**

**Title of Payment: One Parent Family Payment**



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

Date of Final Decision: 27<sup>th</sup> March 2004

**Title of Payment:** One-Parent Family Payment

**Date of Final Decision:** 27<sup>th</sup> March, 2004

**Keywords:** One-Parent Family application—whether reasonable efforts were made by Appellant—appeal allowed.

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

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**Case Summary:**

The Appellant was refused One Parent Family Payments on the grounds that she heeded t pursue maintenance from her ex partner. She appealed this decision. The Appeal was allowed.

**Summary of Benefit(s) Received:**

Appellant applied for the one parent family allowance in March 2003 and was refused on 28 July 2003 on the grounds that she did not make appropriate efforts to obtain maintenance from her husband. Appellant appealed this refusal in August 2003. Appeal was heard 14 January 2004.

**Background:**

Appellant separated from her husband. The two agreed that he would pay her €80 per week as maintenance for their three minor dependent children. There was no court order to back up the agreement and because her husband refused to pay more than €80 per week, Appellant applied to Social Welfare Services in March 2003 for the one parent family allowance. Social Welfare Services wrote to Appellant on 25 June 2003, stating her requirement to make continuous efforts to obtain maintenance from her husband and on 28 July 2003, Social Welfare Services refused Appellant's claim. Appellant then appealed this decision.

**Relevant Evidence put forth by Appellant:**

Appellant handed in maintenance summons and a record of maintenance payments made by her husband.

**Date Appeal Taken:**

August 2003

**Date Appeal Heard:**

14 January 2004

**At Hearing:**

Appellant gave evidence in relation to maintenance payment and explained that the reason she did not attempt to seek maintenance from her husband was because she was afraid of him due to his history of violence during their marriage.

**Decision:**

27<sup>th</sup> March 2004 Appeal ALLOWED.

**Appeals Officer's Reasoning:**

Appellant has made satisfactory appropriate efforts to obtain maintenance from her spouse.

**Appeals Officer's Conclusion:**

Appellant is entitled to One Parent Family Payment from 13 March 2003 by reference to weekly means of nil.

**Observations:**

This appeal highlights the difficulty raised by the vague requirement that Appellant make reasonable efforts to obtain maintenance as a condition of receiving One Parent Family Payments. The Appeals Officer did not elaborate on what constitutes 'appropriate efforts' or the specific evidence which led him to conclude that Appellant had made such efforts in this case. The nebulous nature of this requirement makes the One Parent Family Scheme vulnerable to inconsistency. Individual Appellants may not be certain if their own efforts in obtaining maintenance meet the threshold. In this case, it appears most important that Appellant had a maintenance agreement with her husband, albeit not by court order, and produced a rational reason (fear of violence) for failing to enforce the agreement.

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