

# Advice Portsmouth

## Challenging Benefit Decisions Factsheet

Benefit claimants are able to challenge decisions that they disagree with. There is a staged disputes process which must be followed. There are various decisions that you may wish to appeal including:

- decisions about entitlement
- overpayments which arise from alleged claimant failures or errors made by the benefit provider
- decisions to sanction or stop benefit payments
- deductions made from benefits
- right to reside decisions

### Stages of the Disputes Process

When any benefit decision is made the claimant should receive a Decision Notice from the Department for Work and Pensions, HMRC, or the Local Authority notifying them of this.

Where the claimant believes a decision is wrong, this should be challenged as soon possible because there are usually time limits imposed upon requesting a review.

For DWP decisions, the claimant should submit a Mandatory Reconsideration request. For Child Benefit or Tax Credit appeals, you should make a Mandatory Reconsideration request to the relevant office at HMRC. For Council Tax and Housing Benefit decisions, you should submit a Review request to the relevant Revenues and Benefits team at your local authority.

Any appeal should be made in writing and include the reasons why you think

the decision is wrong. Enclose copies of evidence that supports your version of circumstances or events.

### Mandatory Reconsideration Requests

- Should be made in writing to the address on the Decision Notice
- The time limit is usually one month from the date of the Decision Notice but can vary
- Each agency will state a time limit within which an MRR or review request should be made
- Extensions can be requested if you did not receive the notice in time, or have been too unwell to comply with the time limit
- Medical evidence is required to support any reconsideration request about points awarded for Personal Independence Payment, for Employment and Support Allowance and New Style ESA
- All relevant descriptors should be re-advocated by you and sent with the MRR letter
- A letter from your Support Worker or Carers may also be included

### Appeal to a Benefits Tribunal

If the decision is upheld you can appeal to the HM Court and Tribunals Service for a hearing to decide your case. You can do this by completing a form and sending to the tribunal service within one month of the date of your MR decision notice.

- For further advice contact Advice Portsmouth on 023 92794 340 or email us at [advice.portsmouth@theyoutrust.org.uk](mailto:advice.portsmouth@theyoutrust.org.uk).