

Case Study 1

Mr ? suffered an industrial accident at work when he fell through a skylight on the roof he was working on. He was sub-contracting for a self employed builder at the time. He fell 30 feet and suffered horrendous injuries but the main injury being that he has been left paralysed from the stomach down. He can no longer walk & been left doubly incontinent.

His wife approached me as she was going to have to give up her job to look after the client when he was well enough to come home but with bills & 2 dependants just receiving child benefit & tax credits she would not be able to afford to live as the client was the main earner. They have both always been employed & didn't have a clue which benefits or help could be claimed for.

There & then I carried out a benefit check & identified which benefits would be relevant we completed a claim form for council tax benefit & we made the call to the DWP to claim Employment & support allowance. I ordered forms for Personal Independence Payment & Industrial Injuries Disablement Benefit and duly completed them when they arrived with his wife.

I referred her to the equipment & adaptations team as it was clear that major disabled adaptations would be needed to their home. They agreed they would convert the bathroom to a wetroom, expand the width of their doors to accommodate a wheelchair & to install a through floor lift.

The client was in hospital recovering for 3 months & when returned home they came back to see me to inform me that the ESA claim had been processed & he was put into the top group without a need for assessment & that they were awarded council tax benefit. Client had been awarded PIP enhanced mobility component as expected but only standard daily living component not as expected! I checked the award his points score was just 2 short of the enhanced rate! I constructed a reconsideration letter based on points I thought they had overlooked and in a few weeks they had increased it to enhanced rate.

At the same time we filled in a carers allowance claim form for his wife which was duly awarded.

We applied for a blue badge which was awarded.

A short while after they returned with the IIDB decision & it said was not entitled because they were considering client as a self employed person (who are not entitled) however they had overlooked the fact that the client was having tax & NI deducted from the pay cheques by his 'employer' at the time. We again submitted a reconsideration which the dept accepted him as an 'employee' & made the inquiries & a short time after came back that they would allow the client a claim & is currently awaiting an assessment into what percentage of disability he should be awarded.

