

Incapacity Benefit and Employment and Support Allowance (ESA) Appeal

1. If you are turned down for Incapacity Benefit/ESA, you have one month to appeal the decision (This can be extended if there are special reasons).
2. You can either use form GL24 obtainable from the DWP or write a letter quoting your name, address and National Insurance number and start it with "I wish to appeal the decision dated ***** to stop my Incapacity benefit/ESA, then explain fully why you disagree with the decision.
3. While you are appealing a decision you cannot claim Incapacity Benefit you can sign on and claim Job seekers Allowance if your income is low enough. This does not prejudice your appeal and will not be treated as "admitting" that you are capable of work. You should make it clear that you are appealing your incapacity for work and ask that your Job Seeker's Agreement reflects all the things that you feel affects your ability to work.
If you do not want to claim Job Seekers Allowance and your income is low enough, you can claim Income Support while you appeal the decision. However, the amount you receive will be reduced by 20% of what you would get by claiming Job Seekers Allowance (unless you have some other grounds for claiming Income Support, such as being a single parent of dependent children).
4. When you receive the appeal papers read the Medical examination report thoroughly, highlighting any parts you disagree with. At this point it would be helpful to get supporting medical evidence from your doctor also if possible a letter of support explaining how your conditions effects your ability to undertake the tasks as shown in the appeal papers.
5. The Tribunal will send you a form TAS1 to see if you wish to continue with your appeal. If you wish to continue with your appeal it is advisable you request an oral hearing as this will give you an opportunity to attend the hearing and explain how your condition affects you.
6. Prior to the hearing go through the appeal papers again to make sure you are aware of the descriptors that apply to you and explain the difficulties you have undertaking them to the Tribunal.

For Incapacity Benefit you need to score;

- 15 points from physical descriptors
 - 10 points from mental descriptors
 - Or 6 mental health points and 6 more from physical points
7. If you are unsuccessful you can try to appeal further but only on a point of law. The Tribunal will give you a sheet explaining how to do this when they give you your decision.