

What can I do if I am not happy with a decision made by the Deciding Officer or Designated Person?

If you are dissatisfied with a decision made about your social welfare claim, you have a right to appeal to the Social Welfare Appeals Office.

What is the Social Welfare Appeals Office?

The Appeals Office operates independently of the Department of Social Protection. It decides on appeals where a person is not satisfied with a decision of the Department. It is headed by a Chief Appeals Officer and has its own Appeals Officers who are independent and decide on appeals.

How do I make an appeal?

You can make an appeal within 21 days of receiving the decision. The Chief Appeals Officer has discretion to extend this period in certain limited circumstances.

You can make an appeal by completing a form (called Form SWAO 1), available from your local Intreo Office, or by downloading the SWAO 1 form from the 'Your Appeal' area on the Appeals Office website www.socialwelfareappeals.ie.

Alternatively, you may set out the grounds of your appeal in a letter or by email to swappeals@welfare.ie. The important thing is that you set out your case fully.

You may send your appeal directly to the Chief Appeals Officer at the address below or through your local Intreo Office.

Chief Appeals Officer
Social Welfare Appeals Office
D'Olier House
D'Olier Street
Dublin 2

You should state your **name**, your **address** and your **Personal Public Service (PPS) number** and **enclose**:

- a copy of the decision you are appealing against,
- a statement of the reasons why you are dissatisfied with the Department's decision, and
- any relevant evidence that you think may support your appeal.

Important: If you wish to obtain any information or copies of documents that the Department used in reaching the decision, you should contact the relevant scheme area of the Department of Social Protection and let them know that you need the information in order to make an appeal.

What happens next?

When your appeal is registered in the Appeals Office, you will receive an acknowledgement. Your appeal must then be sent to the Department for comment. The Deciding Officer or Designated Officer may change the decision in your favour at this stage because of new evidence you have provided. If the decision is not changed, your appeal will be returned to the Appeals Office for consideration by an Appeals Officer.

The Appeals Officer will make a decision based on the evidence available and taking account of the scheme qualifying conditions which are set out in legislation. This may be done on the basis of the written evidence only or you may be invited to attend an oral hearing. If you request an oral hearing it will always be granted, unless it is clear that there is nothing to be gained from such a hearing.

Why is an oral hearing held?

The Appeals Officer may decide to hold an oral hearing to obtain more details about your case or to clarify points which are at issue in relation to the decision which is under appeal.

You may wish to request an oral hearing because you wish to elaborate on some aspect of the evidence or you consider that you can better make your case if you appear in person to present your evidence.

Appeals Officers make every effort to keep oral hearings as informal as possible. Should an oral hearing be required, the hearing will be held at a location as near as possible to where you live.

In what circumstances would my request for an oral hearing not be granted?

Your request for an oral hearing will not be granted where there is no prospect that additional information could be provided that would affect the outcome of your appeal.

Examples of such types of appeal include the following:

- Appeals against assessment of means on the grounds that the assessment did not take into account expenses such as payment of mortgage/rent, utility bills, loans etc. In these types of cases, if the legislation does not allow for such expenses to be taken into account then an appeal on this basis would have no chance of success.
- Appeals relating to PRSI conditionality where a minimum number of contributions are required to qualify. If you don't have sufficient contributions there would be nothing to be gained from an oral hearing.

Is there a charge for making an appeal?

There is no charge for making an appeal. If you have to travel to attend an oral hearing, the Appeals Office will make a payment to you (through your bank account) for reasonable travel expenses. You can also request compensation for any loss of earnings if you have to take time off work to attend the hearing.

Do I need to be legally represented?

There is no need for you to be legally represented to make an appeal, although you may be represented by a solicitor or another person if you wish. The Appeals Officer may make an award to that person if they represent you at an oral hearing. However this award is limited to expenses for actually attending the hearing. Any legal costs must be paid by you.

When will I find out about the decision on my appeal?

The Appeals Office will send you a letter, setting out the appeal decision in writing. This will be done as quickly as possible following consideration of your appeal. If your appeal is not successful, the Appeals Officer will explain why. A copy of the decision is also sent to the Department of Social Protection.

Is the Appeals Officer's Decision Final?

The Appeals Officer's decision is normally final and conclusive but may be appealed to the High Court on any question of law.

However, it may be subject to review in the following circumstances:

- by an Appeals Officer where new facts or evidence which are relevant to the original decision are brought to notice since the appeal decision was given, or
- by the Chief Appeals Officer where it is considered that the decision was wrong by reason of a mistake in relation to the law or the facts.

In making a request for a review of an appeal decision you must enclose the new evidence, or, if you are seeking a review by the Chief Appeals Officer, you must give specific reasons why you believe a mistake has been made regarding the law or the facts.

Office of the Ombudsman

The Ombudsman can examine complaints about the everyday administrative activities carried out by the Appeals Office.

Office of the Ombudsman
18 Lower Leeson Street
Dublin 2

Telephone: 01 639 5600
LoCall: 1890 22 30 30
Website: www.ombudsman.gov.ie

Note

The rates charged for using 1890 (LoCall) numbers may vary among different service providers.

Where can I get more information?

Social Welfare Appeals Office
D'Olier House
D'Olier Street
Dublin 2
D02 XY31

LoCall: 1890 74 74 34
Fax: (01) 6718391
E-mail: swappeals@welfare.ie
Website: www.socialwelfareappeals.ie

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An Introduction