

SW 56

Social Welfare
A p p e a l s
O f f i c e

Where can I get more information?

For further information, contact:

Social Welfare Appeals Office

D'Olier House

D'Olier Street

Dublin 2

LoCall: 1890 74 74 34

Fax: (01) 6718391

E-mail: swappeals@welfare.ie

Website: www.socialwelfareappeals.ie



SOCIAL WELFARE
A P P E A L S
O F F I C E

An Introduction

What happens if I disagree with a decision by the Deciding Officer in the Department?

If you disagree with a decision of a Deciding Officer about your entitlements, you have a right to appeal to the Social Welfare Appeals Office.

What is the Social Welfare Appeals Office?

The Social Welfare Appeals Office operates independently of the Department of Social Protection. It is headed by a Chief Appeals Officer and has its own Appeals Officers who make the decisions.

The Appeals headquarters are at D'Olier House in Dublin and appeals in the Dublin area are held there. Appeals Officers also visit other cities and large towns throughout the country to keep to a minimum the distance that you may have to travel for an appeal hearing.

How do I appeal?

If you are unhappy with a Deciding Officer's decision, you should appeal within 21 days of receiving it. The Chief Appeals Officer has discretion to extend this period in certain circumstances.

You can appeal by completing a form, which you can get from your local Social Welfare Office, or you may explain your appeal in a letter. The important thing is that you set out your case fully.

The local Social Welfare Office will be happy to pass the form or letter to the Chief Appeals Officer for you or you may send it direct to:

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

In your appeal you should give:

- your name,
- your address,
- your Personal Public Service Number (PPS No.) (same as RSI number),
- the type of payment you wish to claim,
- the decision you are appealing against, and
- the reasons why you believe the decision is wrong.

You should also include the Deciding Officer's written decision, or a copy of it. This will help the Appeals Officer in dealing with your appeal.

If you wish to obtain any information or documents that the Deciding Officer used in reaching the decision, contact the section of the Department of Social Protection that dealt with your application.

What happens next?

When we receive your form or letter of appeal, we will send you an acknowledgement. We must then pass it to the Department for their comments on the points you make to support your case. The Department may change their decision at this stage because of any new evidence. If they don't change the decision, an Appeals Officer will consider your case.

The Appeals Officer may decide to hold an oral hearing of your appeal, and will invite you to attend. On the other hand, the Appeals Officer may be able to deal with your case on the basis of written evidence you provided. Either way, you will get a letter telling you the outcome of your appeal.

Why have an appeal hearing?

- The appeal hearing gives the Appeals Officer the opportunity to obtain more details about your case.
- We make every effort to keep the hearings as informal as possible.

Do I have to pay anything to appeal?

No. You do not have to pay anything to make an appeal. If you have to travel to attend a hearing, the Appeals Office will compensate you for reasonable travel expenses. You can also be compensated for any loss of earnings if you have to take time off work to attend.

Must I have a solicitor?

No, although you may be represented if you wish. The Appeals Officer may make an award to a representative, such as a solicitor, if you bring one to the hearing.

However this award is limited to expenses for actually attending the hearing. Any legal costs must be paid by you.

How will I get the decision?

You will get the Appeals Officer's decision in writing. If your appeal is not successful the Appeals Officer will explain why.

Is the Appeals Officer's decision final?

The Appeals Officers decision is normally final and conclusive. However it may be changed in the following circumstances:

- in the light of new evidence coming to notice since the decision was made.
- it may be appealed to the High Court but only on a point of law.
- the Chief Appeals Officer may revise any decision where it appears to him that a mistake was made in relation to the law or the facts. In making a request for such a review, the appellant must state the reasons why they believe a mistake was made regarding the law or the facts.