

GUIDANCE NOTES FOR APPLICATIONS FOR UNIVERSAL CREDIT

Dear fellow EHS sufferer

I hope these notes will help you in the process of applying for your rights to benefits. Please do not give up. If you approach this in a simple piece by piece way you will be sure to convince the Judge that you are authentic. Remember you have nothing to fear because you are telling the truth.

The first stage is to ask for a Mandatory Reconsideration. If that is refused you will need to Appeal.

Winning an appeal is not formulaic. That said, the best approach is to initially send as little information as possible. The reason I say this is because DWP will take that information and collate it into their documents and then send out a huge bundle about 2 inches thick then when sitting in the Appeal it will be difficult to find your evidence when under pressure and likely experiencing brain fog and so any points you might make referring to evidence or research may be lost. Therefore I would recommend waiting until 10-14 days before the Appeal date and then sending a bundle with Index and page numbering to the Tribunal and a copy to DWP. Initially, you will receive a letter from the Tribunal stating the date and it will also state that you may send papers no less than 7 days before the Appeal. I'd be careful about that timeline and so recommend 10-14 days sending by Express Delivery. The Tribunal will automatically send a copy to DWP but I think this ensures they definitely have a copy as if they haven't received it at the hearing, the Appeal will be rescheduled. I realised this approach would be best after I instinctively delayed sending evidence (illness and such a daunting task) and then realised it would make a better impression on the judges to have all the evidence in a collection.

The main approach to take with evidence is to put your case together as with a jigsaw puzzle - piece by piece. If you suffer from blackouts, you will need to send a letter to your consultant to establish whether this is caused by vasodilation. I say this aspect as this is linked to emf exposure. You can ask this question to your consultant directly and ask if this is not the case, why does the consultant think you are passing out/having blackouts/losing consciousness. In your appeal - include graphs, tests as well as short research (one page only) of connected research to emfs, mobile phones etc. Even if the doc is longer than one page, still only include the minimum pages. I put my case together with Doctors' letter/results + research to back up, Doctors' letter + research - so that each element was supported by a link to emfs/mobile phones and followed each other consecutively in the Index. Do not use a highlighter pen (as I found to my peril as the photocopier will bleach the word out). An asterisk or bracket in the margin would be preferable if you need to highlight a particular paragraph.

Include other evidence to build up the picture around the criteria e.g. Loss of Consciousness which will confirm the likelihood of this occurring as a result of Electrohypersensitivity. You will need to view the list of DWP criteria if not loss of consciousness.

I hope it is still in use that Exceptional Circumstances can be awarded as a separate category so that even if you did not qualify for one of the set criteria, you could appeal on these grounds.

(a) The claimant “suffers from some specific disease or bodily or mental disablement and; (b) by reasons of such disease or disablement, there would be a substantial risk to the mental or physical health of any person if he were found not to have limited capability for work-related activity”;

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This comes under

ESA Regulation 35 – “Certain claimants to be treated as having limited capability for work-related activity”

The Judge has a duty to consider this point. If they do not it can be grounds for Appeal to second tribunal. However, you can ask the First Tier Judge to simply consider this point. This is what I have done so that this is included in my case.

Importantly, the Tribunal omitted the word “mental” in defining my Exceptional Circumstances “substantial risk to my physical health”.

It is recommended by the Courts that you include all the evidence you will ever need to rely on. So the evidence will need to be concise (I included first page only – as I had referred to that evidence that can be included). This is because once you have made an appeal and included evidence, if you needed to take this to the Second Tribunal (if any errors took place by the First Tribunal) you would not be permitted to submit further evidence – so please bear this in mind when submitting evidence. As I say, make it concise but include everything you might need to rely on.

If you can get your GP on your side that is the best support you can get. Private GPs are also accepted.

Hope that helps.

Best of Luck to you.