

his partner, giving her National Insurance number, full name and answered questions regarding her income.

ESA was awarded as shown in the prints in this submission. ESA (CB) of £67.50 was paid from 4.6.2011 to 24.6.2011. From 25.6.2011 Mr Grace was then paid a total of £105.95 made up of £67.50 contributory based ESA and £38.45 income related ESA. This remained in payment until 7.10.2011 when Mr Grace requested that the Income related ESA stop.

2. Leaflets, ES40 was issued at the initial award of Employment and Support Allowance instructing the claimant to report any relevant changes to his circumstances.
3. A GMS match indicated that the customer had other income in the form of income protection insurance. The investigation also disclosed that his wife had worked during the period of the claim.
4. During an interview under caution Mr Grace stated that he never claimed for his wife. He stated that when he realised he was getting an increase for his wife he stopped the income related part of his claim in October 2011.

When asked on page 10 of the interview, about answering "no" to the question have you received or waiting to hear about any income from pension, permanent health insurance or compensation, Mr Grace states he did not recall this question. He stated further on at page 11 that he did not think he had to notify the department about payments from the policy as he thought he was only getting contribution based ESA.

5. On 19.6.2012 the Employment and Support Allowance decision maker revised the Employment and Support Allowance decision of 8.6.2011 awarding ESA(CB) from 4.6.2011 (after 3 waiting days 1.6.2011 to 3.6.2011) and included ESA (IR) from 25.6.2011 after the working tax credit had been taken into account up to 24.6.2011. This decision was given in ignorance of a material fact, namely that Mr Grace was waiting to hear about a policy he completed for income protection from Trent services. Customer is not entitled to Employment and Support Allowance (IR) from 25.6.2011.

This decision was notified to Mr Grace on 21.6.2012

6. **The matter was then referred to the overpayments decision maker to determine any overpayment.**

7. On 28.6.2012 the overpayments decision maker determined that, as a result of Mr Grace's failure to disclose that he had income from a policy, he was not entitled to Employment and Support Allowance (IR) amounting to £576.75 for the period 25.6.2011 to 7.10.2011 (both dates included) had occurred and was recoverable from him.