



Department
for Work &
Pensions

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28-Oct-2021

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Dear Mr [REDACTED]

I am writing in response to your letter about your Mandatory Reconsideration (MR) request that we received on 27/10/21.

You have stated in this letter that the request you made in a telephone call was a request for an anytime revision of the decision we sent on 12/12/18. The evidence relating to this decision was checked and it was found that you had indicated that you disputed the decision to award Employment and Support Allowance (ESA) and place you in the Work Related Activity Group (WRAG) on 20/12/18. A MR was not completed at this stage, however, as the request had been made within 13 months of the date the decision was issued a MR was completed on 10/06/21 and the Mandatory Reconsideration Notice (MRN) was issued to you. Further copies were issued on 13/10/21 as you said that you had not received them. If you still do not agree with this decision you are able to appeal to a Tribunal of Her Majesty's Courts and Tribunal Service (HMCTS). You must do this within 13 months of the date the original MRN was issued – 10/07/22.

You have also asked about a MR request you made on 10/09/21 about a decision we sent to you on 01/03/20, saying that you believed there had been an error as you were unaware that you could have a copy of the Health Care Professional's (HCP) report and that you were unaware of the points scored. A copy of the HCP report is available on request, you have in fact made this request yourself on a previous occasion (20/12/18) and details of the points score and reasoning are issued with the Decision Maker's (DM) decision notice. You did not request a MR or raise a dispute about the decision of 01/03/20 until 10/09/21, this was therefore outside of the time limit for making such a request and this was refused. There is no right of appeal against a refusal to consider a request that is outside of the statutory time limits.

Included with your letter is a copy of a MR from 02/10/17, this was a refusal to revise a decision about a failure to attend a Work Capability Assessment (WCA) on 12/06/17. You have stated your belief that the DM who completed the MR of 10/06/21 and the refusal to consider your MR request about the decision of 01/03/20 was the same DM who had undertaken the 02/10/17 decision and that this was discrimination. The decision of 02/10/17 was completed by a wholly separate DM and the decision was completed in line with guidance and legislation. At the time the MR was completed you were issued with a MRN that contained details of your right to appeal and how this can

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