



William Finnerty &lt;williamfinnertygalway@gmail.com&gt;

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**Application for leave to appeal to the Social Security Commissioners A1/25-26 (PC)**

1 message

**Tribunals Unit** <TribunalsUnit@courtsni.gov.uk>

Thu, Dec 18, 2025 at 5:41 PM

To: "williamfinnertygalway@gmail.com" &lt;williamfinnertygalway@gmail.com&gt;

Dear Mr Finnerty

I refer to your email headed October 31<sup>st</sup>, 2025, Supplemental Statement and your email 11 December 2025

Perhaps I might begin by providing some background to the role of this Office and the role of the Social Security Commissioner

**Background**

The Social Security Commissioner is a member of the Judiciary and is not, for example, an Ombudsman or senior member of the Civil Service. A Commissioner is completely independent of the Civil Service and deals with appeals on points of law from Social Security Appeal Tribunals.

A Commissioner's function is purely judicial and whose function is to determine whether the tribunal has erred in Law

This Office supports the work of the Commissioners in the exercise of their judicial functions and the consideration as to whether the tribunal made a legal mistake

**Your email of 31 October**

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Firstly, I would confirm that Chief Commissioner Mullan has retired, but your email is retained on file and forms part of the documentation that will be considered by the Commissioner who decides your case. It is noted that you wish the Commissioner specifically to consider the difficulties that you have had getting legal representation and effective medical treatment

**Your email of 11 December**

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This email references your previous email of 31 October and notes that you have not had a substantive reply. I trust that you had the standard, automatic, acknowledgment of receipt of your email of 31<sup>st</sup>

You have requested formal confirmation of receipt of what you describe as the 31 March 2025 Letter which I presume is a typo and you mean the 31 October letter which I note above

Secondly you ask for:

A clear, written explanation of whether your office considers the issues raised to be within its remit; if not, an indication of which public authority or body should properly handle them.

As you know you raise a number of disparate issues. The best response I can provide is that the Commissioner will examine whether the tribunal from which you are appealing has made an error in law

As outlined above the Commissioner is not an Ombudsman or complaints officer for the civil service or any other body. I am not qualified to give you advice as to what body might assist you with your other, various issues

Thirdly you requested:

A proposed timetable for a substantive response — including, at minimum, an acknowledgement within 14 days of the date of this email, and a preliminary decision, or an outline of steps under consideration, within 30 days of the date of this email.

As indicated above, you are involved in a judicial process, not an administrative one. Your file is being prepared for a Commissioner. You will recall that the Department produced observations on your case to which you have responded. They did not support your application but noted that you might nevertheless consider reapplying for the benefit in question [ **I will return to this point below**]

My job as Legal Officer to the Commissioners includes reviewing the file to see if all legal points that might be in your favour have been considered by the Dept and the file is ready to go to a Commissioner

One matter was, I thought, ambiguous and I have sought clarification from the Dept on that point. They will provide their view before the end of January. You will be given their response to my query [at this stage I enclose a copy of my direction to the Dept for ease of reference]

Once the Depts view on that issue has been clarified and you have had the chance to respond if you wish, the case will be ready to go to a Commissioner

Your file will be allocated to a Commissioner and take its place in her workload. We have a slight backlog at the moment following the retirement of Commissioners and the appointment of new Commissioners. Cases are being progressed in a chronological nature, and it is I am afraid impossible to give an accurate estimate of when your case will be dealt with. You will appreciate that each case is different and it is impossible to tell how many cases ahead of you are complex and will take more time than usual. However, after January please feel free to contact us when we might be able to provide a more up to date estimate

Fourthly you asked for

Contact details of a case-officer or person responsible for handling correspondence in relation to complaints of this type, so that I may address any further follow-up appropriately.

While there is a formal complaints procedure, I do not interpret your correspondence as a formal complaint. Please feel free to contact me as the Legal Officer to the Commissioner via the Tribunals Unit email address on matters relating to your case

If I have misinterpreted your correspondence and you do indeed wish to instigate a formal complaint let me know and I will supply the necessary details

Finally, you request

A record of my request entered into your files (or case-management system), with a reference number — so I have confirmation of the matter being “on the record”.

Your email is recorded on your file A1/25-26 (PC) No separate file has been opened

#### **The Department's invitation**

However, I wish to return to a matter raised by the Dept in their Observations. As you know the Commissioner and this office are separate and independent from the Dept for Communities, but I thought I would highlight a section of their Observations in case you may have overlooked it.

They suggested that it might at this stage be in your interests to make a fresh claim. I quote the Dept below using my own emphasis, but you of course retain a full copy of their observations:

**70** There is no obligation on the Department to invite any person to claim a benefit (see paragraph 7 of a NI Commissioner's decision in C4/82(RP) enclosed). **However, I have noticed something from the appeal papers, and it would be remiss of me not to raise the potential for reclaiming SPC.**

71 I noticed an email from Mr Finnerty dated 10/02/20 (sent by him to the Appeals Service – see page 67 of “William Patrick Finnerty PT3”) where he says he was awarded Attendance Allowance (AA) as from 14/11/19. ***I am aware that a person who lives alone and is in receipt of AA, qualifies for an additional premium in their SPC entitlement. This is called the “Additional amount for the severely disabled”.***

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78 The applicant is of the opinion that he will not be entitled to SPC so long as the value of his home (whilst the loans remain unsecured against it) is taken into account. ***I just wanted to alert him to the possibility that he could be entitled to SPC again, even with the Galway property assessed as income from capital.*** The exact weekly entitlement figure cannot be accurately predicted as it will all depend on the amount of overall capital determined.

79 ***I would just extend an invitation to him to apply for SPC again.*** If he does do so, then I would also advise him to provide the decision maker with copies of his bank accounts and complete any other questionnaires they require as supporting evidence. Hopefully he could now secure extra weekly benefit if SPC entitlement conditions are met.

I respectfully suggest that this would be an option worth exploring and your current application for leave to appeal can still progress in tandem with it.

I hope the above is helpful and clarifies the process and what this office can and cannot do for you

Yours sincerely

Niall McSperrin

Legal Officer to the Social Security Commissioners

RCJ

Belfast



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