



FIRST-TIER TRIBUNAL

SOCIAL ENTITLEMENT CHAMBER

Held at: Fox Court (N) On: 15/08/2018 Before: Judge [REDACTED] Dr [REDACTED] [REDACTED] & Mr. [REDACTED]	Appellant: Mr P G [REDACTED] NINO: [REDACTED] Tribunal Reference: [REDACTED]
Respondent: Secretary of State for Work and Pensions	

Decision Notice by Consent

1. The appeal is allowed
2. The decision made by the Secretary of State on 20/03/2018 in respect of Personal Independence Payment is set aside.
3. Mr P G [REDACTED] is not entitled to the daily living component from 16/01/2018. He scores 6 points. This is insufficient to meet the threshold for the test.

4. Washing and Bathing	b. Needs to use an aid or appliance to be able to wash or bathe.	2 Points
5. Managing Toilet Needs or Incontinence	b. Needs to use an aid or appliance to be able to manage toilet needs or incontinence.	2 Points
6. Dressing and Undressing	b. Needs to use an aid or appliance to be able to dress or undress.	2 Points

4. Mr P G [REDACTED] is entitled to the mobility component at the standard rate from 16/01/2018 to 19/03/2019.
5. Mr P G [REDACTED] has limited mobility activity. He scores 10 points.

2. Moving Around	d. Can stand and then move using an aid or appliance more than 20 metres but no more than 50 metres.	10 Points

Reasons for decision:

1. Mr [REDACTED] has:

- A. Severe left hip osteoarthritis
- B. left knee pain - degenerative changes
- C. hypertension
- D. hyperlipidaemia

2. At the date of his claim, (16 January 2018), he was and is still working for [REDACTED]. His duties included gas testing the heat exchangers before being fitted into boilers.

3. When he claimed personal independence payment (PIP) he completed a form.

4. We have to consider whether he meets the criteria for an award of PIP and to look at his needs for a year long period between 3 months before the date of claim to 9 months after the date of decision. That is in simple terms a year between 16 October 2017 and 20 December 2018.

5. Mr. [REDACTED] wrote he had difficulties with some daily living activities:

- A. Preparing food.
- B. Washing and bathing
- C. Managing toilet needs.
- D. Dressing and undressing.

6. In relation to mobility he wrote he could only walk between 1m to 20m.

7. The Secretary of State for Work and Pensions (DWP) accepted he needed to use aids to assist him with washing and bathing, toilet needs and dressing and undressing.

8. The DWP accepted he has limitations with mobility and found he could walk more than 50 m but not more than 200 m.

9. Having considered the claim form, and the medical evidence, in particular, the medical report of Mr. N [REDACTED] (Specialist Registrar in Trauma and Orthopaedics) we accept he has severe limitations and requires a total left hip replacement.

10. He is able to prepare and cook himself a simple meal by ensuring that everything he needs is on the work top at waist height level.

11. We considered whether he required aids to do this. In particular, whether he needed a stool to sit or perch on. We noted that at work he is able to stand for up to 50 minutes. We decided he could stand when preparing and cooking food.

12. In relation to mobility the Health Care Professional recorded he walks for 500 meters in five minutes with a walking stick. During these 5 minutes, he needs to stop and rest for a couple of minutes before continuing.

13. We find the suggestion he can walk 500 meters with his conditions implausible. He walks with an antalgic gait with both hip and knee pain, he would walk slowly. Using our specialist knowledge and having regard to regulation 4 (2A) of the Social Security (Personal Independence Payments) Regulations 2013 we find that for more than 50 % of the time he is able to walk more than 20 meters with an aid but no more than 50 meters safely, to an acceptable standard, repeatedly and within a reasonable time but not further.

Signed: Judge [REDACTED]	Date: 15/08/2018
Decision Notice issued to:	Appellant on: Respondent on: