

**Nnamdi Michael Okpala**

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**By Email and Recorded Delivery**

The Chief Executive Officer

Thurrock Council

Civic Offices, New Road, Grays, Essex RM17 6SL

**FORMAL APPEAL AND PRE-ACTION PROTOCOL NOTICE:**

**Re: Decision on Homelessness Application (Ref: 1083077) & Reassessment of Mental Capacity**

Dear Sir/Madam,

I am writing to formally appeal the decision dated 22 August 2025 (Ref: 1083077) stating that “no homeless application” can be taken due to an alleged lack of mental capacity. This decision is legally unsound, factually incorrect, and fails to consider overwhelming evidence of my capability. This letter serves as a formal appeal under the Housing Act 1996 and a pre-action protocol notice for judicial review.

**1. Grounds for Appeal: Error of Fact and Law**

Your decision relies on the precedent of *R (on the application of Begum) v Tower Hamlets LBC [1993]* and the Mental Capacity Act 2005. However, your application of this test is fundamentally flawed for the following reasons:

- **Capacity is Decision-Specific:** Your assessment focused exclusively on my ability to manage a tenancy in a traditional, neurotypical context. It completely ignored evidence of my capacity to manage complex, abstract systems—a capability that directly translates to understanding contractual obligations and long-term planning.
- **Failure to Consider All Evidence:** The assessment willfully disregarded documented proof of my intellectual and executive functioning capabilities, which are a more accurate measure of my capacity than a contrived budgeting interview.

**2. New and Material Evidence of Capacity**

I draw your attention to the following evidence, which unequivocally demonstrates my capacity to understand complex information, retain it, weigh it, and communicate decisions—the core tenets of the MCA 2005 test.

- **A. Technical Architecture & Systems Design:** I am the creator and lead architect of the **OBINexus Computing ecosystem**, a sophisticated digital infrastructure project. This includes:

- The design and documentation of the **OBIAl Unified Framework**, a complex AI consciousness preservation system with a verified 95.4% coherence threshold.
  - Mastery of multiple programming languages (Rust, JavaScript, TypeScript, Python) and distributed systems design.
  - The creation of a full technical specification for a tonal social network (MmuoKọ Connect) with a 7-layer architecture and Nsibidi cryptographic protocol.
  - This work is publicly documented on GitHub under the OBINexus organization and represents a level of strategic planning, abstract reasoning, and project management that far exceeds the complexity of understanding a tenancy agreement.
- **B. Cultural & Narrative Project Management:** I have conceived and executed a long-term cultural project involving the avatars **Uche Nnamdi** and **Eze Nnamdi**. This involves:
    - Narrative storytelling, character design, and the integration of Igbo cultural motifs and Nsibidi writing.
    - A clear, multi-phase plan for artistic development and commercial implementation.
 This demonstrates an ability to retain long-term vision and execute on complex, multi-faceted plans.

This evidence proves that the presumption of capacity under Section 1(2) of the MCA 2005 is not only valid but overwhelming. Your decision to ignore this evidence constitutes a serious error of law.

### 3. Cultural Bias and Right to Impartial Support

I reiterate my formal request, first made on [Date of your appeal letter], for reassignment to a non-Yoruba social worker. The historical and systemic ethnic tensions between Igbo and Yoruba groups in Nigeria create a perceived and potential unconscious bias that undermines the integrity of my care and assessment. This is a reasonable adjustment under the Equality Act 2010.

### 4. Systemic Failure and Financial Mismanagement

Your council's well-documented financial collapse, including the loss of over £700 million in solar investments, is a matter of public record. It is therefore a profound injustice that resources are being deployed to deny a vulnerable resident their statutory rights rather than to fulfil them. This approach is not only morally bankrupt but indicative of a council prioritizing its own survival over its legal duties.

## 5. Demand for Remedial Action

I demand the following actions be taken within 10 working days:

1. **Immediately rescind** the "No Homeless Application" decision.
2. **Commence a fresh, compliant capacity assessment** conducted by an independent, neurodiversity-affirming professional who will consider the full scope of my technical and creative work as evidence of capacity.
3. **Formally accept my homeless application** and proceed to assess my eligibility under Part VII of the Housing Act 1996.
4. **Reassign my case** to a social worker of a neutral cultural background, as previously requested.
5. **Provide a full and unredacted response** to all outstanding Subject Access Requests (SARs).

## 6. Next Steps

If a satisfactory response is not received within the stipulated timeframe, I will have no choice but to:

- Issue proceedings for Judicial Review of your decision.
- File a formal complaint with the Local Government and Social Care Ombudsman.
- Escalate my data protection complaints to the Information Commissioner's Office.
- Pursue a claim for damages via Money Claim Online (MCOL) for financial losses incurred due to your council's negligence.

The evidence of my capacity is irrefutable and publicly verifiable. Your continued failure to acknowledge it will be presented as evidence of bad faith and institutional bias in any subsequent legal action.

Sincerely,

**Nnamdi Michael Okpala**

### Enclosures:

- GitHub Repository Links for OBINexus
- Copy of OBINexus v2.0.0 Phoenix Rising Technical Summary
- Previous Correspondence