

SW 53

Social Welfare

Appeals Office

Where can I get more information?

For further information, contact:

Social Welfare Appeals Office

D'Olier House

D'Olier Street

Dublin 2

LoCall: 1890 74 74 34

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SOCIAL WELFARE

APPEALS
OFFICE

Appeal Hearings

1. Why have an appeal hearing?

An appeal hearing will be arranged if the Appeals Officer considers that more details are needed in order to decide your appeal fairly.

Your case will be heard as soon as possible at a local venue, or if you live in the Dublin area, at D'Olier House, D'Olier Street, Dublin 2. We will tell you the exact time, date and venue as soon as the arrangements are made. How soon your case can be held will depend on the number of cases awaiting hearing in your area.

If you do not fully understand the Department of Social and Family Affairs decision in your case, you should contact the office that made the decision and ask them to explain it, so that you will be best able to present your case at the hearing.

2. Who attends the hearing?

The following people may attend:

- you,
- the Appeals Officer,
- other people the Appeals Officer wishes to hear, and
- Assessors. **see note in Part 7.**

We make every effort to keep the hearing as informal as possible.

Note:

An appeal hearing is not a suitable place for children, so if possible please do not bring them with you.

3. Must I have a solicitor?

No. If you like, you can present your own case. Indeed, the social welfare appeals system is designed so that you may put your own case to the Appeals Officer.

If you wish, you can bring along a representative, for example a community worker, trade union official or a person from a Citizens Advice Centre to help you present your case or just to give you support.

Alternatively, you may employ a solicitor. However, you must pay the legal costs yourself.

4. Can I claim expenses?

You can claim for reasonable travel expenses involved in attending the hearing. You can also be compensated for any loss of earnings if you have to take time off work to attend.

Finally, the Appeals Officer may make an award to a representative, such as a solicitor, if you bring one to the hearing with you. However this award is limited to expenses incurred in actually attending the hearing.

5. What happens at the hearing?

The Appeals Officer will begin the hearing by introducing the people present. You will also be told if other people have been called to give evidence. The Appeals Officer will then outline the decision in question, the case set out by you in your appeal and the Department's response.

If there are witnesses they will then be called to give evidence. You will have every opportunity to set out your case and to question the evidence of any witnesses. If you have a representative, they may do this for you.

6. When will I get the Appeals Officer's decision?

The Appeals Officer does not make a decision at the hearing. You will get the decision later, in writing, usually within three or four weeks if there has been a hearing. If your appeal is not successful, the Appeals Office will explain why.

7. Is the Appeals Officer's decision final?

The Appeals Officer's decision is normally final and conclusive. However it may be changed in the following circumstances:

- in the light of new evidence coming to notice since the decision was made.
- it may be appealed to the High Court but only on a point of law.
- the Chief Appeals Officer may revise any decision where it appears that a mistake was made in relation to the law or the facts. In making a request for such a review, the appellant must state the reasons why they believe a mistake was made regarding the law or the facts.

Assessors

If your appeal relates to unemployment, the Appeals Officer may be joined at the hearing by one or two Assessors. These people have a knowledge of employment conditions in the area and are nominated by local employer and employee organisations. Their advice may be very helpful to the Appeals Officer but it is the Appeals Officer who must make the actual decision on your appeal.