

What Happens Next

Applications for DLA/AA can take months to process. You will normally receive an acknowledgement by post. You may receive a decision or a DWP doctor will be sent out to see you at home. (See our other leaflet 'When the DWP Doctor Visits.')

The DWP may telephone for further information.

If an award is made

If an award is made, it will be either or both the Mobility Component/Personal Care. It is usually made for a period of time, for CFS/ME, usually one to three years, after which you will have to submit a further DLA or AA form. If you are not satisfied with the level, you can go through the appeals procedure. You **must** seek informed advice first. Bear in mind that:-

- a) A review tribunal can either overturn or upgrade a previous award. This process can take as long as a year.
- b) You could wait three months and apply again for an upgrade. This can, however, trigger a review of your application.

If an award is refused.

If an award is refused, you should appeal, rather than accepting that decision as final. Many people with CFS/ME are hesitant to take their case any further because of the hassle involved. The procedure is complex, and we advise that you appoint an advocate to act on your behalf. Many of the welfare organisations can provide an advocate free of charge. However the success rate varies enormously. Leger ME monitors cases and can advise you of the best options in your case, based on our experience. However the decision as to whom you appoint is yours alone.

The Appeal Process

We strongly advise you to appoint an advocate if you haven't got one. They will ask you to sign a consent form so that they can act on your behalf. Usually they do all the office work and you get on with your life. Your advocate will contact the DWP and deal with the appeals procedure. Sometimes it may be six months before anything happens. Don't be tempted to check up yourself because you could be given misleading information by the DWP. You will be told if you have to attend a tribunal, another medical examination, or provide further information.

Your advocate will also request copies of all papers in your case. Very often, the reason for refusal is quite clear and is directly attributable to the way the DLA 140 was filled out by the Examining Medical Practitioner (EMP).

The DWP decision-makers are instructed to put their EMP's report over that of a G.P. so even if the problem is identified and corrected with a G.P.'s letter, the DWP insist that the matter goes to a tribunal.

The tribunal is independent of the DWP and may choose to ignore the EMP's report if other evidence is available. Your advocate can argue your case and challenge the evidence. In almost all cases, our members have won when their case has been taken to tribunal.

It is a concern of Leger ME as well as of other welfare organisations that the EMP reporting-system is flawed and has poor quality-control. This has resulted in members being unnecessarily forced to face tribunals and wasting public money. One problem is that there is no accurate method of grading or reporting fatigue issues on the DWP forms.



Leger-ME:

*Supporting Myalgic Encephalopathy or Encephalomyelitis (ME),
Chronic Fatigue Syndrome (CFS),
Post Viral Fatigue Syndrome (PVFS),
Fibromyalgia Syndrome (FMS), Patients & Carers*

Applying for Disability Living Allowance or Attendance Allowance.

Disability Living Allowance (DLA) or Attendance Allowance (AA) are non-contributory welfare benefits. The award is based solely on how your illness affects you, and not on National Insurance contributions. It is not taxable and is ignored for income-based welfare assessments. DLA and AA are the gateway to other benefits & services like blue badge or Motability.

About DLA or AA .

These are both non-contributory, non-means-tested state benefits. They are awarded on the basis of defined criteria on how an illness or condition affects the claimant, and not on the diagnosis. DLA is paid to people under 65 and AA is paid to those over 65. Very young children usually cannot claim. Leger ME will recommend applying if we feel that you could qualify. If there is any doubt you should apply anyway.

How do I apply ?

Contact the nearest DWP office and ask for a DLA or AA form to be sent. Any future award will start on the date stamped on the form. When you receive the form, discard any 'Special Circumstances' information and retain the rest.

Filling in the form.

The first part of the form requests basic information about your health and case. We recommend that you draft out your response in pencil first, then any corrections or alterations can be rubbed out. Contact our helpline or your welfare rights advisor and ask for the form to be checked out. Once the final draft is agreed then ink in your response and take a photocopy before posting. This registers your claim.

How your illness affects you

The second part of the form requests information about how your illness affects you. You need to take your time and be careful how the form is filled out because once submitted, errors or omissions cannot be corrected or awards paid in retrospect. Because of the complexity of this section we emphatically recommend that you seek assistance from your welfare rights advisor or from our helpline. From our experience, if the form is filled out by someone not trained to do so, benefits are declined because the case is understated, especially by ME/CFS sufferers themselves. If you have filled out a DLA/AA from before, DO NOT just copy the previous submission. Start from a clean sheet.

If you ask our helpline for assistance, we will recommend that you draft out your response in pencil first, then any corrections or alterations can be rubbed out. We will then arrange an appointment to review your draft, and advise as necessary. This usually takes a couple of hours. Once the final draft is agreed, ink in your response, and take a photocopy before posting.

You can of course ask your welfare rights advisor to help. You should take his or her advice and follow it to the letter. Some organisations are better than others. Ask us for a recommendation.

Referee

This is just a formality to countersign your claim. Someone who knows you like a partner, relative or friend can do this.

Medical Referee

This can be your G.P. or M.E. specialist. He or she will normally fill in the section and post it off. In any case, your G.P. will be contacted by the DWP.

If you have not seen your G.P. recently or on a regular basis, then there is no way he can really give you a favourable or accurate report. You should see your G.P. at least twice a year unless you are being cared for by other health professionals as, for example, in a special NHS clinic.

If you choose your G.P. as your medical referee, please bear in mind that it should be the doctor you see regularly and not another partner in the practice. Prior to asking your doctor, we strongly advise that you make an appointment to see him personally and explain what you are doing and why. It will be a good opportunity to give him further information and update your case history. Do not give any original documentation to the receptionist because they have a habit of losing things.