



Chief Fire Officer C.Kenny  
Lancashire Fire & Rescue Service  
Headquarters  
Garstang Road  
Fulwood  
Preston  
PR2 3LH.  
FAO Mr.Warren.

7, Kings Drive,  
Preston. Lancashire.PR2 3HN.  
ENGLAND.  
Tel/Fax: +44 (0) 1772 715963.  
symbolseeker@tiscali.co.uk

Wednesday, 28<sup>th</sup> August, 2013.

**BURNS**

My Ref: PB03613,  
Your Ref: BW/JLW

**My Pensions and Gratuity Awards.  
Conclusion IDRP - Part I.**

**Without Prejudice.**

Mr. Warren,

After being directed twice to reply and deal with it by the Court, your recent letter is your 7<sup>th</sup> written evasion to my many requests for clarification of 'on what authority do you base my pension'?

This is my final letter to you in seeking to resolve my complaint. As stated later you have until close of business Friday 30<sup>th</sup> August to respond.

Should your reply be unsatisfactory then your criminality will be referred to the appropriate authorities and I shall otherwise lay the matter, locally, before individual elected Members of the CFA Committee for resolution.

Your latest letter simply endorses your past criminality.

1. You say:

- *"Personal\EB-Bob Warren\letters\13071.burns.doc" at the foot of each Page of my letter to you dated 15 July 2013 is not a reference to another Document but merely where that letter is saved on our computer system.*

It raises the question, do you not think, of why an honest civil servant would seek to avoid a public provenance, or to conceal the provenance of public document on which he purports to rely? In your letter you pretended it was part of a 2008 DCLG Guide, a document you pretended to be required by law to rely on in the calculation of my pension, and to pay me a B1 pension. You lied and yet again misled me.

2. To the casual reader it appears benign to reference me to:

- *The link to the Commentary on the DCLG Archive website is provided below:  
<http://webarchive.nationalarchives.gov.uk/20120919132719/http://www.communities.gov.uk/fire/firerescueservice/firefighterpensions/firefighterpensionscheme/>*

But Google does not recognise the link further than the National Archive. So it fails, save to the person who knows the name of the document which they are looking for. It goes further than

avoiding the provenance of a page or guide, for you used a photocopy of a page as an attachment, as though from the 2008 DCLG Guide when you knew it was not.

3. You then, finally without other option, most disingenuously appear to come clean and seek to repent part of your past deception by saying:

*•Please note that the above DCLG Commentary relates to the scheme as it is now, rather than when you retired. As a result the page in question no longer appears in the above Commentary.*

In the context of your earlier letters, the admission could hardly be avoided, but you remain evasive. You continued to omit the date of the guidance. But since you say it has no relevance it can only be the DCLG 2008 Guide. You even mislead by misusing the words 'Commentary' and 'Guide' which are not birds of the same legal feather.

You have knowingly and fraudulently denied me my legal entitlement, and in order to do so you have deliberately applied rules you now admit you knew did not apply, and to further your deception you selectively photocopied a page from an earlier Commentary – again to mislead me.

Fortunately, despite your misleading attempted avoidance and deliberate obstruction, I do now have an original hard copy with amendments of the relevant 'authority' which is the correct and applicable guidance at the time in 1997 when I retired, namely the 'Home Office Commentary on the Firefighters' Pension Scheme 1992 Edition, (Finance Division 2- FIN/92 247/38/1).

This 1992 Home Office Commentary, or when the scheme was closed in 2006 the DCLG 2008 Guide, are produced by the Government for the direction of its paying officials to ensure that they correctly interpret the contract the Government makes with the firemen it employs.

It makes plain that but for your fraudulent deception and misrepresentation I would be receiving a pension calculated in an entirely different way and you have always known this.

To put it beyond all possible doubt you have maliciously, persistently, and well knowing what you were about, most deliberately engaged in a criminal deception to persuade me that the B1 pension I have been receiving was the one prescribed by law – when you well knew it to be untrue. That is theft.

But for my continuing interest in correcting my pension ASAP I would not now be writing to you and you would no longer be in the employment you are in.

Incidentally, the IDRPs has no standing in law but Part I is by way of correspondence with you which, but for this letter, is now exhausted. Either you now act accordingly on my complaint or the matter passes from your hands to the CFA Committee as Part II with this letter attached.

To this end I had, before receiving your belated recent letter, written you a final letter. Your recent letter simply endorses my position.

I wrote this:

"You may not have appreciated it, but you have given me your authority and by it you condemn yourself. Your conduct throughout our correspondence could hardly have been more deceitful, and, in a very serious criminal way.

And yet my greater concern has to be my own position, which I wish to have corrected without delay. If I were to pursue you, the individual, it would embroil me in a nastiness I wish to let go, once settled. It is my legal right not to have you prosecuted.

In line with this, I extend to you the offer to revise your view and agree to the provision of my lawful pension, to be negotiated by my representatives, to reflect my loss on being forced to take early retirement, with all other attendant matters of damage to be included within the settlement including fees and the usual interest on any sums found to be outstanding. It being a proviso that the final cheque, if a sum be found due, be handed to my representatives at the time of settlement – I will tolerate no delay.

Should this not be the course you decide to follow then be under no illusion, you have committed a number of serious criminal offences which will be referred to those concerned with 'misrepresentation with intent to defraud' amongst a number of offences you have committed under the Theft Acts 1968, as amended, otherwise, other offences such as Misconduct in Public Office.

What you have repeatedly done by your letters is to misrepresent (in several instances, several facts) an existing material fact, knowing it to be false or making it recklessly without regard to whether it is true or false, intending me to rely on the misrepresentation and under circumstances in which I, your pensioner, clearly relied on it to my (continuing) damage. To practice fraud is to cheat or trick; to deprive a person of property; or any interest, estate, or right by fraud, deceit, or artifice.

Intent to defraud does not mean necessarily to seek a personal enrichment, though by salary and bonuses you have benefitted, but simply means to act with an intention to deceive another person, and to induce such other person, me, in reliance upon such deception, to assume, create, transfer, alter, or terminate a right, obligation, or power with reference to property.

The whole tenor of your correspondence has been to persuade me to accept my pension as being correctly paid. And you lied to do so.

You do not need to be a lawyer – juries are not – to understand your offences. You have repeatedly misrepresented to me that in arriving at my pension you were following the law and guidance given you. In seeking to convince me that you were acting properly you not only misquoted your authority as being provided by the 2008 DCLG Guide, but also attached a photocopy of what purported to be a page from that Guide, which you had marked for me. You have wrongly, knowingly, and wilfully applied the 2008 DCLG Guide & Rules to a 1997 pension under the 1992 Scheme.

In fact, you now reverse yourself to admit the 2008 DGLA Guide has nothing to do with my pension which commenced in 1997. But even so in no way do you seek to remedy the wrong though the DCLG Guide makes itself plain that it is a DCLG Guide published in 2008, and is only concerned with the pensions of those who have yet to retire, and has no retrospective legal effect.

Throughout the correspondence you have avoided the truth and fraudulently misrepresented and insisted on legal requirements, whilst using your position to deny me the identity and provenance of the documentation to contradict that the B1 pension was my correct pension. And you misrepresented to me, and insisted that I was allowed no compensation for a career brought to an early termination by ill-health. To have done so is to commit the criminal offence of deception, misrepresentation with intent to defraud, etc.

On any evaluation you most clearly set out to deceive me and to avoid the truth which was, as you clearly knew, that the correct and applicable Commentary giving Home Office guidance at the time when I retired, was the 1992 Edition, (Finance Division 2-FIN/92 247/38/1).

This 1992 Home Office Commentary, or when the scheme was closed in 2006 the DCLG 2008 Guide, are produced by the Government for the direction of its paying officials to ensure that they correctly interpret the contract the Government makes with the firemen it employs.

I retired in 1997 to which the DCLG 2008 Guide is irrelevant. But that did not suit you so you just ignored it and pretended otherwise in an arbitrary abuse of power at the hands of the executive, a matter for punitive or exemplary damages.

Clearly you intended this deception, for had you acted properly and honestly you would have been guided by the 1992 Home Office Commentary which specifically at B3 -2 raises the question "How much is the pension?" to then answer it with "... never more than 40/60ths (2/3rds) of APP, or what could have been earned by compulsory retirement age" which in my established rank was 60, but for early ill-health retirement. On the following page "(2) never more than 40/60ths of APP, or what you could have earned by your compulsory retirement age". These are not the only pertinent references.

In terms this requires the pension provider to assess the career path which but for ill-health early retirement "could" – so it is a matter not of probability but plausible possibility – have earned. That includes promotions and projected pay to arrive at the final APP. The only caveat being the use of current APP from which to project earnings at retirement on account of age - The notional APP.

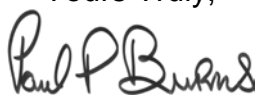
There are other errors to be taken into consideration such as the omission of the Flexible Duty Allowance (page G1-2-1) ;other wrongful deductions; and accountancy errors. Then you brought a case against me in which you perjured yourself, making the case that I was indebted to the LFRS when in reality the LFRS was heavily indebted to me - but you, under oath, wrongfully maintained otherwise.

The only reason I give you this final opportunity to escape the just consequences of your criminality at my hands is because I am, at my age, more disposed to settle and get on with what matters rather than waste my time on what happens to you - but what now happens to you is a matter for you.

Should I not hear from you with an immediate and full apology for your misconduct and expressing yourself eager to correct what requires to be corrected in full negotiation with my representatives, with absolute power to settle, then you have had your chance and you deserve everything your deception, and perhaps your solicitor's deception, brings you. But as he does not administer the pension Scheme I am not concerned with him."

You now have 48 hours, until close of business on Friday 30<sup>th</sup> August 2013 in which to reply in a satisfactory way. Any letter later than that from you will ultimately be passed unopened to the appropriate prosecuting authorities as evidence.

Yours Truly,



Paul P. Burns. GIFireE  
Divisional Fire Officer (Rtd)