

FSV-RT The Penultimate Word.

IDRP Stage I & II Conclusion-LCDFA.

Historical Synopsis.

1. The LCDFA initiated action against me in 2010 on the alleged basis that I had received 'overpayments' of undeclared DWP benefits which they stated ought to have been deducted from my Injury Pensions by them and thus they unilaterally and unlawfully, as I saw it, stopped my LFB Injury Pension in October 2010.
2. This was a completely false position as my and their records demonstrated. A position which simply ignored the written evidence which I had repeatedly produced for them over the many ensuing stressful years.
3. In deliberate procrastination, incompetence, and at times in malicious dissimulation the LCDFA maintained this position in the years that followed. They made no attempt to produce substantiated evidence of their position, though they were repeatedly in joint correspondence encouraged by me to do so.
4. In the interim the then Head of the LCDFA Legal Department passed away and Ms Ms.Y.McKenna was appointed as Head of LCDFA Legal Department at the point at which I had already initiated and completed my LCDFA IDRP Stage I Application.
5. I recognised that Miss McKenna initially inherited a situation not of her own making because this dispute with its erroneous claim against me was initiated by the LCDFA in 2010, before the commencement of her current tenure of office.
6. I was initially encouraged by her responses for it seemed that she was prepared to come to their old position with a 'fresh mind' but regrettably this approach was simply misleading. However, she decided to 'rerun' the IDRP Stage I Application even though I had not asked her to do so and for which there is not in any event a legislative provision or purpose.
7. At no time during this 'exercise' did the Authority produce substantiated evidence to support their spurious, and at times, malicious claims. Indeed they introduced a pension 'expert' from Lancashire who, it transpired, did not have a claimed 'degree' in pensions management, or *any legal qualification*, who suggested to the Authority that it might indulge itself in an unlawful entrapment dissimulation in order to 'prosecute' a false claim against my good name.
8. During this 're-run' and in anticipation of my Stage II Application I raised in detail the existing unlawful constitutionality under which-since 1995- all IDRP Complaints had been dealt with by the LCDFA Legal Department. The core issue was that all Stage II Applications *must* be placed before Elected Members of the LCDFA - most specifically not its 'officers' whose involvement ceased at Stage I.

9. By using an unlawful 'variant' of the IDRPs, which ran directly contrary to a National Pension Agreement (to which they were a signatory) encapsulated in DCLG Fire Service Circular 1/2009 agreed by the DCLG National Firefighters Pension Committee the LCDFA became in effect their own Judge and Jury in their unlawfully constructed 'court' - which has led to hundreds of miscarriages of justice perpetrated on those LFB pensioners who in good faith and trust in the past chose to exercise their IDRPs pension Complaints rights under the Pensions Act 1995 (as amended).
10. At the conclusion of the second 're-run' Stage I, the LCDFA's Miss McKenna's then confirmed on two occasions in writing that the LCDFA Authority no longer intended proceed with their unjustifiable and unwarranted claims against me, either now, in the past, or in the future but regrettably she offered no apology nor did she (without prejudice) even admit liability for all the personal and family stress and distress she had caused me by the LCDFA spurious claims in the first place.
11. However, it is the Authority's misfortune, and mine, that in raising these malevolent claims in the first place against me that it has now placed its own unlawful 'variant' of the Statutory IDRPs procedures under scrutiny by myself, the Fire Brigades Union, both locally in London, and nationally within the DCLG National Firefighters Pension Committee, now under the jurisdiction of the Home Office.
12. In spite of endlessly raising this unlawful practice in my correspondence with the LCDFA the Authority continues to defend its unlawful and continuing unacceptable practices by refusing to recognise its untenable position which it continues to cling to with its latest so called Stage II Determination dated 23 November 2016 written by Ms. Sue Budden Director of Finance & Contractual Services an 'officer' of the LCDFA who fails to declare her professional capability in matters pension?
13. Ms. Budden failed to state at the outset whether or not this conclusion was her own personal 'decision' or whether or not it was the product of the correct due process of my Application having been placed before LCDFA Elected Members on the LFB Local Pension Board as the IDRPs mandates? Later she accepted her responsibility.
14. My Stage II Application consisted of 50 pages of evidence and it is self-evident in her completely inadequate initial 2.5 page 'response' that Ms. Budden has been completely overwhelmed by the technicality of the task set before her which is hardly surprising given that she has not the slightest knowledge or competency in in any aspect of the Firefighters Pension Schemes.
15. The remaining 8 pages which followed attempted from a background of complete technical pension ignorance to justify why LCDFA continues to 'exercise' its 'idea' of the pension law to the detriment of legislative and natural justice.
16. Little point is served in reiterating the legal points which have been rehearsed and reiterated ad nauseam in pursuit of this particular point.

17. According it only remains, based on this final weary refusal of commonsense for me to ultimately bring this point of principle and law before the Pensions Ombudsman for his Determination if only to correct the many miscarriages of justice which have occurred to hundreds of other LCDFA pensioners in the past.

18. R.T. Spain 2017.