



Ms.E.Todd.
Information and Devolution Policy
Department for (part of Legal Group)
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Pensions 5th Floor
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PR2 3HN.
ENGLAND.
Tel/Fax: +44 (0) 1772 715963.
symbolseeker@tiscali.co.uk**

Tuesday, 16th August, 2011.

My Ref: PB03211.

Your Ref:

**Case Number PR090107.
CFA/LFRS -v- DWP.**

Dear Ms.Todd,

Common Humanity.

Yesterday afternoon in prompt response to my letters to the Department you contacted me to inform me that my concerns regarding the potential release of very personal DWP records of my late wife Jill had been addressed immediately by you and that you wished to inform me that under no circumstance would those particular records be released to the CFA/LFRS.

I can assure you that your act of common humanity in this matter brought an immediate sense of relief and gratitude to me. Frankly after the disrespectful and obnoxious treatment we have all received from the LFRS we have come to believe that this honourable sentiment no longer existed in the public services. So my grateful thanks.

I expressed to you that it has been our personal experience over the last 3.5 years that the staff we have all dealt with within the Department, in particular Mr.Mawdsley at Blackburn, have exhibited consistent exemplary standards of common courtesy, sensitivity, and professional care to us.

My DWP Records.

You then gave me the opportunity to discuss the release of my DWP records during which I once more confirmed that I had not the slightest objections to their release a position I had confirmed to the High Court much earlier in the year and reiterated recently though I retain certain concerns over ambiguity arising in respect of why I am actually receiving REA and the DWP's stated position on this when responding to the Court's Order.

As you know I only receive REA and the records are small in number.

The Court Order in particular twice addressed the release of DWP records which... "*may relate to the qualifying injury*", once more I have no objection to their release.

However to prevent ambiguity arising I feel it is important that the Department when replying make it clear on my behalf the initial and continuing reasons why I receive REA.

From the outset in 1999(I was compulsorily retired in 1997) the Department informed me that if I qualified for such an allowance then it would be paid in compensation for the loss

of a high salary post in the Fire Service, nothing more or less and I accepted this positional statement.

The DWP recorded position is that REA is *not paid to me exclusively and directly for my qualifying injury* but is an allowance *paid to me for my loss of a high salary post* based on qualifying criteria laid down by the Department in its REA internal guidance manual 110B(00): General Topics Amdt B ·February 2005.

Later in June 2008 shortly after this dispute arose with the LFRS I asked the Department at Barrow a simple question, why am I receiving REA? I dealt with Ms.Fiona Hodge.

Ms.Hodge's comprehensive and to me expert response reconfirmed the Department's position in that I was receiving REA for the loss of a well paid post and that REA was a 'standalone' allowance intended in part to attempt to compensate for that loss.

Ms Hodge went on to state that whilst a recorded Industrial Injury(FS qualifying injury) is the starting point, it is simply that, a starting point, and although *qualified* to apply for REA this did not mean an applicant will automatically receive this allowance. REA is not awarded automatically, or by percentage disability, and authorisation to pay REA requires its own significant independent preconditions and qualifications.

These are :

- a) loss of 'faculty', viz, a high salary post, and thus loss of *earnings potential*;
- b) loss of promotional advancement;
- c) passing DWP 'fraud proofing' checks in conjunction with the LFRS;
- d) engaging in (any form of) work (with or without remuneration) for 10 or more hours per week which I did(and do), as an author of my own literary *works*.

Later unsolicited Ms.Hodge in further helpful confirmation sent me the attached letter containing the specific comparator reasons why I was receiving REA. You will note there is no ambiguity whatever nor is there any reference to my 'qualifying' injury nor was there ever in any DWP correspondence I have received.

I would be grateful in avoiding ambiguity if the Department would draw its confirmed REA payment position to me the attention of the Court and the LFRS by confirming again that I receive REA directly for the loss of a high salary post and other criteria and that it is not paid *directly* for my FS qualifying injury.

In addition I include for your information a self explanatory statement received by a Fire Service Veteran from his pension manager in respect of REA/RA and deductions which I am sure you will find interesting.

Finally thank you once more for your kindness to me. It was and is greatly appreciated.

Yours Sincerely,



Paul P. Burns. GIFireE

CC :Mr.Robert Mawdsley Tel: 01254 343740 .

PRF55

With compliments

I managed to find the letter I was looking
for, so enclosed is the official version!
Hope this helps.

Anna



jobcentreplus

Mr P Burns
7 Kings Drive
Fulwood
PRESTON
PR2 3HN

Tiona
01229 842700

Extension:2829

18 June 2008

Dear Mr Burns,

Ref: HM380765B
About Your Reduced Earnings Allowance

I am writing to tell you that you can get Reduced Earnings Allowance of £52.68 a week from 19/03/08 to 17/03/09. This is the maximum amount of Reduced Earnings Allowance currently payable.

This is because the probable standard of remuneration in your regular occupation of Fire Fighter is £439.78 and the probable standard of remuneration in employed earners employment which is suitable in your case, namely Light Van Driver, which you are not incapable of following as a result of the relevant loss of faculty, is £206.21.

How you will get your money

We will pay your Reduced Earnings Allowance into your account every 4 weeks.

You must tell us straight away if there are any changes to your work or your health after the date you completed form BI34. **Please notify us immediately if you commence work. If there are any changes please fill in the reply part of this letter.**

If you are still getting Reduced Earnings Allowance when you reach state pension age and you are not in regular employment, we will pay you Retirement Allowance instead.

If you are receiving Housing Benefit or Council Tax Benefit, please tell your local authority that you are getting Reduced Earnings Allowance. It may affect how much Housing Benefit or Council Tax Benefit you get.

If you want to appeal and you are in a trade union or trade association, your representative may be able to help you. We can send a copy of this letter to your representative(s) if you

wish. If so, please let us know their name and full postal address. Our address is at the top of this letter.

Yours sincerely

Fiona Hodge

Fiona Hodge
Administrative Officer

If you have been working

I have now stopped work

I am working fewer hours

I have got a different job with the same Employer

I have got another job with a different

I have got another job as well as my current one

Employer

I am now getting incapacity benefit

I have stopped getting incapacity benefit

I am leaving the United Kingdom

I have been hospitalized or detained in hospital

Read the instructions and insert your name and date this form and send it to us

I understand that if I give information that is incorrect or incomplete, action may be taken against me.

I declare that the information I have given on this form is correct and complete.

Signature

Date



Northern Ireland Fire & Rescue Service

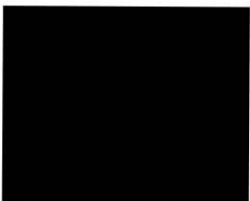
Headquarters

1 Seymour Street
Lisburn BT27 4SX

T 028 9266 4221
F 028 9267 7402

enquiries@nifrs.org
www.nifrs.org

Acting Chief Fire Officer
Peter Craig MSc MIFireE MICG



15/12/2010

Dear Mr 

RE: INJURY PENSION REVIEW.

Thank you for your letter dated 13 December 2010 regarding the Injury Review. Our records show you are currently in receipt of Retirement Allowance **however in accordance with the current guidance and legislation this is not deducted from your injury award.** Therefore I can now advise you that following the review your injury award will remain unchanged.

As there is no change to your injury award and no over or underpayment has occurred in your case it would seem that your other queries are obsolete.

I hope this information has been useful to you however should you require any further clarification please do not hesitate to contact me.

Yours sincerely

A handwritten signature in cursive script that reads "E Beattie".

Mrs E Beattie
Pension Manager