Department for Work and Pensions

*via on-line journal*

dd/mm/yy

Dear Sir or Madam

**Re:**

**NINO:**

**Mandatory reconsideration request of decision of dd/mm/yy**

I write in relation to my claim for Universal Credit (UC).

I am requesting a mandatory reconsideration of the DWP’s decision of *dd/mm/yy*, that I earned £*xx* in the assessment period *dd/mm/yy* to *dd/mm/yy*, as this is not a true reflection of my earnings in that period, using the correct interpretation of **The Universal Credit (Earned Income) Amendment Regulations 2020.**

**Background:**

1. I claimed UC on *dd/mm/yy*. My assessment period runs from the *xxth* of one month to the *xxth* of the following month.
2. I am paid by her employer on the *xxth* of each month. Where this date falls on non-banking day, such as a weekend or bank holiday, I am paid on the last banking day before my usual pay date.
3. This was the case in the assessment period running from *dd/mm/yy* to *dd/mm/yy*. I received my *first month* wages on *dd/mm/yy* and her *second month* wages on *dd/mm/yy*, because my usual pay date of *dd/mm/yy* fell on a *Saturday/ Sunday/ Bank Holiday*.
4. I was treated as having earned both wages in the same assessment period and, as such, my UC award was substantially reduced for that period. Although I will be treated as having no income the following month and so will receive a higher award than usual, the fluctuation makes it extremely difficult for me to budget effectively.
5. In addition, I benefit from the work allowance because *I am a single parent/ I have a limited capability for work*. I will be treated as not having any income in the assessment period *dd/mm/yy* to *dd/mm/yy*, as my wages for that assessment period have already been taken into account in the preceding assessment period. This means that I will not benefit from a work allowance in respect of that assessment period’s award so, after the taper is applied, I will be worse off by £xx.
6. This pattern will be repeated every time my usual pay date falls on a non-banking day.
7. Further, because my council tax support is linked to my UC award, the fact that in dd/mm/yy I was considered by UC to have earned twice meant that my council tax benefit was correspondingly reduced resulting in me having to pay £xx.

**Reason for MR request:**

1. New regulations have been issued to amend the effect on Universal Credit of double wage payments in one calendar month.
2. The changes implement the Court of Appeal judgement on [Secretary of State vs Johnson &  Others](https://www.bailii.org/ew/cases/EWCA/Civ/2020/778.html) and mean that where the second set of earnings of a working UC claimant fall in the same UC assessment period calendar month, the second payment will be reallocated into the following UC assessment period.
3. ​Notes within the new regulations explain that '*only one set of earnings will be taken into account in each assessment period for people who are paid calendar monthly'*, which should allow them to benefit from their full monthly work allowance.
4. In my case, although the two wages were reported as being received in the same assessment period, they were earned over different time periods and should have been apportioned to separate assessment periods to reflect this.
5. I request that the decision of *dd/mm/yy* is reconsidered and that the two wage payments currently treated as income earned during that assessment period are treated as two separate payments, only one of which was earned in the relevant assessment period. This is the correct interpretation of the UC Regs, as held by the High Court in *Johnson*.

Yours faithfully,