



**Notes about rejected
claims for War
Disablement and War
Widows or Widowers
Pensions living
overseas**

About this leaflet

The letter we have sent you with this leaflet tells you about the decision we have made on your claim.

Pages 4 to 10 tell you what to do if you disagree with our decision. **Includes important information about time limits.**

Pages 11 to 22 tell you where to get help and advice.

Page 23 explains about 'our service to you'.

Page 24 explains about 'Freedom of information'.

Information in this leaflet relates to decisions made on or after 5 April 2010.

The War Pensions Scheme is run by Service Personnel and Veterans Agency, an Executive Agency of the Ministry of Defence. This leaflet gives you general guidance, but it is not a definitive (full) statement of the law. Please remember that the law may change from time to time. This may affect your rights and responsibilities, including whether you are likely to get a War Pension.

If you need more advice about anything to do with War Pensions, call

Veterans UK Helpline on + 44 1253 866043

It is open:

- 8.15am to 5.15pm Monday to Thursday; **and**
- 8.15am to 4.30pm Friday.

Or, write to us at:

**Service Personnel and Veterans Agency
Norcross
Thornton-Cleveleys
FY5 3WP
England**

You can also contact us by E-mail at:

veterans.help@spva.gsi.gov.uk

You can contact us on the Internet at:

www.veterans-uk.info

What to do if you disagree with our decision

If you disagree with our decision you can ask us to look at it again.

You should contact us if you want more information about our decision or you want us to explain our decision further.

For certain decisions you may also be able to appeal to an independent Tribunal who can change the decision if they consider it is wrong. Our decision letter tells you if you have a right of appeal. There are time limits for appealing against a decision. For further information about time limits see pages 7-9.

Reviews

We will not normally look at your case again unless you ask us to.

You can ask for a review if:

- there are some facts about your condition that you did not tell us about; **or**
- there are some facts about your late husband or wife that we may not know.

When can you ask for a review?

There is no time limit for asking for a review and you can ask for a review at any time.

How do you ask for a review?

If you want us to review your case, please let us know as soon as possible. Remember to tell us your National Insurance number and the reason you want us to review our decision.

There are special considerations if you want a review and your disablement is a 'noise-induced hearing loss' (see **Leaflet-10 Notes about War Pension claims for deafness**)

What happens next

If you ask for a review, we may send you a form to fill in. We will look carefully at why you have asked us to look at your case again and will write to you as soon as possible to tell you what we have decided.

SPVA decisions

If you think our decision is wrong and the letter notifying you of that decision gives a right of appeal, you can appeal to an independent Tribunal.

You can appeal against:-

- the refusal of an award or level of entitlement;
- the level of an award (% assessment or rate of allowance if less than the maximum);
- the date from which an award starts;
- changes to the amount (upwards / downwards), or period of an award; and
- the label (medical name given for a claimed condition).

How to appeal

If you live in England, Wales or overseas and you want to appeal you need to contact us in writing stating:-

- your name, address and National Insurance number;
- the name and address of any representative;
- an address where documents can be sent or delivered (this will normally be your home address);
- the date and details of the decision you want to appeal against;
- why you disagree with the decision; and finally
- you must sign and date your letter.

If you fail to provide all of the required information, we may have to make further enquiries, which may delay or even make your appeal late.

How to appeal - continued

If you live in Scotland or Northern Ireland, you must contact us either in writing or by telephone. We will then send you an appeal form, which you must complete and return to us. The completion of an appeal form is a legal requirement in these countries.

Right of appeal

Not every decision will carry a right of appeal. If you receive such a decision and you disagree with it you may ask for an appeal, but it will be up to the Tribunal to decide if it can be heard. If the Tribunal decide that the appeal cannot be heard, there is no further right of appeal against that decision.

Appeal time limits

Your letter or appeal form must be received by us within 12 months, starting with the day on which the decision letter was sent to you.

Late appeals

In some circumstances you will be allowed to appeal even if you have not written to us within the 12 month period. When you write after this period however you must state why you (or someone on your behalf) did not write to us within the 12 month period. You cannot however appeal more than 24 months after the date on which the decision letter was sent to you.

If you live in England and Wales or overseas

If the Secretary of State does not object to the late appeal, it will proceed as if it were in time.

Examples of circumstances in which the Secretary of State may decide not to object include the following:-

- the death or serious illness of the claimant, or their spouse / partner or dependant
- disruption to normal postal services; and
- exceptional circumstances, which made it impracticable for the claimant to bring the appeal or to instruct some other person to bring it on his / her behalf.

In all cases, in deciding whether or not to object, the SPVA will also consider, despite the circumstances of the delay, whether the appeal was brought as soon as was reasonably practicable.

If the SPVA objects to the late appeal being brought it will then be for the Tribunal to decide if it can hear the appeal.

If you live in Scotland or Northern Ireland

It is the Tribunal's decision whether or not a late appeal can be brought. For it to allow a late appeal to be brought, you must be able to show that the appeal was late because of one of the following "prescribed circumstances":-

- the death or serious illness of the claimant, or their spouse / partner or dependant;
- a disruption to normal postal services;

If you live in Scotland or Northern Ireland - cont

- failure on the part of the Secretary of State to notify the claimant of the decision; and
- exceptional circumstances which made it impracticable for the claimant to bring the appeal or to instruct some other person to bring it.

Additionally, the appeal must be made as soon as was reasonably practicable in the circumstances of the case.

Help and advice

The ex-service organisations listed in this leaflet may give free advice, if required on any aspect of War Disablement Pensions, including appeals. These organisations may represent you, free of charge at a hearing.

You can also contact us or our Veterans Welfare Service for help on any practical issues concerning your appeal.

Decision of the Tribunal

The Tribunal may, depending on the issue under appeal:-

- maintain the SPVA'S decision;
- accept a condition previously rejected or raise the level of entitlement;
- increase or reduce an award;
- change the date from which an award was made;
- change the amount or period of an award; and
- change the label (the medical name for the condition claimed).

Note - It is possible that a Tribunal could make a decision which is to your disadvantage.

If the Tribunal gives a different decision to that of the SPVA, we will implement it as soon as possible, unless the SPVA decides to appeal the Tribunal's decision.

Further rights of appeal

If you disagree with the Tribunal's decision, you must seek advice from the Tribunal office on making an appeal to an Upper Tier Tribunal (UTT) or Pensions Appeal Commissioners (depending where you live).

Similarly, if the SPVA disagrees with the Tribunal's decision it too can make an appeal to the UTT or Pensions Appeal Commissioners.

Overseas Pensions Agents (OPA) and Department of Veterans' Affairs (DVA)

These services are to help war pensioners, war widows and war widowers who live outside the UK get free and confidential advice about War Pensions.

If you are not sure how to contact your OPA or DVA, please call the

Veterans UK Helpline on + 44 1253 866043.

Veterans Welfare service

Veterans Welfare Service provide professional advice, guidance and support to Veterans and their families.

Our network covers the whole of the UK and the Irish Republic.

Simply call +44 1253 866043 to get details of your nearest Veterans Welfare Service or log on to

www.veterans-uk.info, click 'Welfare Services,' click 'How to contact the Veterans Welfare Service' and enter your postcode.

Ex-Service organisations

There are many ex-service organisations which help veterans and their families. They can give you help and advice on war pensions and allowances.

If you want to appeal against a decision on your claim, these organisations can help you with your case and represent you at the appeal. It will not cost you anything and you do not need to be a member of the organisations to get free advice.

These organisations include the following.

British Limbless Ex-Servicemen's Association

Frankland Moore House

185-187 High Road

Chadwell Heath

Romford

Essex

RM6 6NA

Tel: + 44 208 590 1124

Fax: + 44 208 599 2932

web:www.blesma.org

e-mail: headquarters@blesma.org

The association aims to promote the welfare of all those who have lost a limb or limbs, or one or both eyes, or the use of limbs as a result of their service in any branch of Her Majesty's Forces or Auxiliary Forces. It also aims to help dependants of these people and those ex-servicemen and servicewomen who lose a limb after service.

Burma Star Association

4 Lower Belgrave Street

London

SW1W 0LA

Tel: + 44 0207 823 4273 / 4283 (Welfare)

web:www.burmastar.org.uk

e-mail:burmastar@btconnect.com

The association provides a welfare service and gives free and confidential advice to all holders of the Burma star.

The Ex-Services Mental Welfare Society (Combat Stress)

Head Office
Tyrwhitt House
Oaklawn Road
Leatherhead
Surrey
KT22 0BX

Tel: + 44 1372 841600

web: www.combatstress.org.uk

e-mail: contactuse@combatstress.org.uk

The society cares for ex-members of the Armed Forces and the Merchant Navy who have psychiatric disabilities. The society provides a network of regional welfare officers throughout the United Kingdom. There are also three short-term treatment centres and a veterans home.

The Far East (Prisoners of War and Internees) Fund (FEF) and Far East Prisoners of War Central Welfare Fund (CWF)

30 Copsewood Way
Bearsted
Maidstone
Kent
ME15 8PL

Tel: + 44 1622 737124

The fund helps Far East Prisoners of War and civilian internees (prisoners) of the Japanese 1941 to 1945 war and their dependants who are in need.

Forces Pension Society

68 South Lambeth Road
Vauxhall
London
SW8 1RL

Tel: +44 207 820 9988

web:www.forpen.co.uk

e-mail:memsec@forpen.co.uk

The society protects the pension interests of ex-service personnel of all ranks and their dependants.

Gurkhas Welfare Support Office

New Normandy Barracks
Evelyn Woods Road
Aldershot
Hants
GU11 2LZ

Tel: +44 1252 355127

The Joint Committee of the Order of St. John and The British Red Cross Society

5 Grosvenor Crescent
London
SW1X 7EH

Tel: +44 207 7201 5130

The joint committee provides grants to needy war-disabled ex-servicemen, ex-officers and their widows or widowers. It has long-standing connections with three paraplegic settlements.

The National Gulf Veterans and Families Association

Building E Office 8
Chamberlain Business Centre
Chamberlain Road
Hull
HU8 8HL

Tel: + 44 845 257 4853

web:www.ngvfa.org.uk

E.mail:info@ngva.org.uk

The NGVFA supports those affected by Gulf War 1 and Gulf War 2 (Iraq), the ongoing conflict in Afghanistan, and all future desert conflicts. Charity services and activities include welfare and advice, counselling, 24 hour free phone helpline, website - with a members only area, five day respite break, and information guides.

The 'Not Forgotten' Association

4th Floor
2 Grosvenor Gardens
London
SW1W 0DH

Tel: +44 207 730 2400

Fax: +44 207 730 0020

web:www.nfassociation.org

The association helps disabled ex-service personnel. They provide televisions and holidays for severely disabled people and outings, concerts and gifts for people in hospitals and care homes.

The Officers' Association

1st Floor
Mountbarrow House
6-20 Elizabeth Street
London
SW1W 9RB

Tel (Benevolence): +44 207 808 4175/6
or +44 845 873 7150/1

Tel (Accommodation): +44 207 808 4166
or +44 845 873 7140

E.mail: em@oaed.org.uk

The association gives advice and help to ex-officers and their families through:

- cash grants;
- continuing allowance to those with very small incomes; **and**

In special circumstances they can also give help with education or training fees.

There is a care home for single ex-officers near Teignmouth, Devon and a 12-bungalow estate near Watford for disabled ex-officers and their families.

The association also helps ex-officers to find suitable jobs, either when just leaving service or if they become unemployed.

The Royal Airforces Association

1171/2 Loughborough Road

Leicester

LE4 5ND

Tel: +44 116 266 5224

Fax: +44 116 261 2819

web: www.rafa.org.uk

The association gives help and advice to ex-RAF and Commonwealth Air Forces personnel.

The Royal Alfred Seafarers' Society

Head Office

Weston Acres

Woodmansterne lane

Banstead

Surrey

SM6 7AH

Tel: +44 1737 353763

Fax: +44 1737 362678

web: www.royalalfredseafarers.com

E.mail: royalalfred@btopenworld.com

The society provides accommodation in Surrey and Sussex for former seafarers and their dependants. Sheltered housing and care homes are available in Surrey and there are care homes in Sussex.

The Royal British Legion

Haig House
199 Borough High street
London
SE1 1AA

Tel: +44 203 207 2100

Pens Dept: +44 203 207 2164 / 2169 / 2168

The organisation provides for the welfare of ex-servicemen, ex-servicewomen and their dependants. It provides:

- financial help;
- care homes;
- employment for the disabled;
- small-business advice and loans;
- resettlement training; **and**
- free pensions advice and much more.

All work is funded by public donations.

The Legion also provides a social focus for ex-service personnel through it's branches and clubs all over the country.

The Royal British Legion Scotland

The Earl Haig Fund Scotland and the Officers' Association Scotland

New Haig House
Logie Green Road
Edinburgh
EH7 4HR

Tel: +44 131 557 2782

They help all ex-service personnel, their widows or widowers and their dependants living in Scotland. They provide help with pensions, welfare advice and friendship.

The Royal Hospital

Chelsea
London
SW3 4SR

Tel: +44 20 7881 5200

web: www.chelsea.pensioners.co.uk

e-mail: info@chelsea-pensioners.org.uk

The Royal Hospital provides a home for old soldiers who are getting an army long-service pension or a war pension. It is not a medical hospital.

The Royal Naval Association

Room 209, Semaphore Tower
PP70, HM Naval Base
Portsmouth
Hants
PO1 3LT

Tel: +44 2392 723823

Fax: +44 2092 723371

web: www.royal-naval-association.co.uk

The Royal Naval Association believes firmly that 'welfare is not only money'. With 35,000 members, they are a brotherhood and sisterhood for life, offering friendship, comradeship and personal support to their members. Limited Welfare funds are raised by members to support these activities.

The Royal Naval Benevolent Trust

Castaway House
311 Twyford Avenue
Portsmouth
Hampshire
PO2 8PE

Tel: +44 2392 690112

Fax: +44 2392 660852

web: www.rnbt.org.uk

e-mail: rnbt@rnbt.org.uk

All ratings and others ranks of the Royal Navy or Royal Marines are part of the 'RNBT Family'; so are their wives, husbands and dependent children. They number three million people worldwide.

The trust provides help such as:

- financial grants
- regular payments to supplement the income of older people;
- care for older people at Pembroke House; **and**
- advice on welfare matters.

The Royal Patriotic Fund Corporation

4 North Street
Wilton Salisbury
Wiltshire
SP2 0HE

Tel: +44 1722 744 030

e-mail: therpfc@tiscali.co.uk

The corporation gives financial help to widows, widowers, orphans and dependants of servicemen and servicewomen.

St Dunstan's

12-14 Harcourt Street

London

W1H 4HD

Tel: +44 207 723 5021

web: www.st-dunstans.or.uk

e-mail: enquiries-dunstans.org.uk

St Dunstan's cares for blind ex-servicemen and servicewomen no matter how they lost their sight. You must be ex-service and have significant sight loss in both eyes.

The Soldiers', Sailors' and Airmen's Families Association (SSAFA) - Forces help

19 Queen Elizabeth Street

London

SE1 2LP

Tel: +44 207 403 8783

web: www.ssafa.org.uk

e-mail: info@ssafa.org.uk

The association helps all service and ex-service personnel and their families. It acts as a friendly adviser, whatever the problem. It helps people to get all the practical and financial help they are entitled to from statutory sources. It acts as an agent of service, regimental and other funds to provide relief for those in need. And it offers accommodation for disabled people and care homes for elderly. There are local representatives throughout the UK.

War Widows' Association of Great Britain

c/o Haig House
199 Borough High street
London
SE1 1AA

Tel: +44 203 207 2100

e-mail: Info@warwidowsassociation.org.uk

The War Widows' Association exists to improve the conditions of war widows and war widowers and their dependants in Great Britain. Its work includes anyone who receives a war widows or war widowers pension regardless of whether they have lost their husband or wife in peacetime or as a result of war.

Our service

We aim to provide a high-quality service and to treat everyone equally.

We are always trying to improve the service that we give you. To help us give you a better service, we have a Customer Service Manager.

If you want to tell us anything about our service, you can get in touch with our Customer Service Manager.

Please write to:

**Service Personnel and Veterans Agency
Customer Service Manager
Norcross
Thornton-Cleveleys
FY5 3WP
England**

You can contact us by E-mail at:

veterans.help@spva.gsi.gov.uk

Or

you can phone the Veterans UK Helpline on +44 1253 866043 and ask for the Customer Service

The helpline provides an expert advice and guidance service for veterans and their dependants, offering help on a wide range of issues.

Open government

The Agency is committed to the principles of Open Government as set out in the **Freedom of Information Act**. The Freedom of Information Act came fully into effect on 1st January 2005 and is available to view on the Internet at **www.foi.mod.uk**.

The **Data Protection Act** came into force in July 1998 and regulates the processing of personal information, granting individuals certain rights regarding personal data. A copy of the Data Protection Act 1998 is available to view on the Internet at **www.dataprotection.gov.uk**.

Service Personnel and Veterans Agency will be happy to answer your questions and give you any information you need.

If you want more information, please write to:

Service Personnel and Veterans Agency
Freedom of Information Officer
Norcross
Thornton-Cleveleys
FY5 3WP
England

When you write to or phone us you need to explain the information you want and give your name, address and National Insurance number (if you know it).

