



**DECISION OF**

Lord Lake

**ON AN APPEAL  
IN THE CASE OF**

JG

Appellant

- and -

Social Security Scotland

Respondent

FTS Case Reference: FTS/SSC/AE/23/00883

10 February 2025

The Tribunal ORDERS that: the appeal is GRANTED, the decision of the First-Tier Tribunal for Scotland in this matter dated 16 April 2024 is quashed and the case is remitted to the First-Tier Tribunal to be reconsidered by a differently constituted Tribunal.

**Reasons**

1. This is an appeal against a decision of the First-Tier Tribunal dated 16 April 2024. In that decision, the First-Tier Tribunal refused an appeal against a decision by the respondents (on a redetermination) that the appellant was not entitled to Adult Disability Payment
2. The appellant challenged this decision on the bases that:
  - the First-Tier Tribunal had not given adequate reasons for its decision,
  - it had reached factual conclusions that were not supported by the evidence,



- it had erred in the application of the law to the facts, and
- it had erred in the procedure it followed in that it had made a decision less favourable to the appellant than that made by the respondents and the appellant had not been given a chance to make a closing submission at the hearing before it.

3. At the hearing before me, the representative for the appellant made submissions in respect of all grounds of appeal. When the representative for the respondent came to reply, he intimated that the respondent no longer opposed the appeal insofar as it rested on the ground that the reasoning of the First-Tier Tribunal was inadequate. In my view, the concession in this regard was well made. The respondent's representative indicated he had no submissions to make in relation to the other grounds advanced by the appellant but contended that they were, in reality, extensions of the difficulty arising from the paucity of reasoning.

4. In these circumstances, I allow the appeal and quash the decision dated 16 April 2024. The decision in relation to the appellant will require to be taken afresh by a differently constituted First-Tier Tribunal. My decision is taken primarily on the basis of inadequacy of reasons and in view of the concession made. As the decision as to the appellant's entitlement to ADP will now require to be taken again, I do not consider it is appropriate for me to comment on the remaining matters which will not be relevant to that future decision.

Lord Lake  
Member of the Upper Tribunal for Scotland

A party to this case who is aggrieved by this decision may seek permission to appeal to the Court of Session on a point of law only. A party who wishes to appeal must seek permission to do so from the Upper Tribunal within 30 days of the date on which this decision was sent to him or her. Any such request for permission must be in writing and must (a) identify the decision of the Upper Tribunal to which it relates, (b) identify the alleged error or errors of law in the decision and (c) state in terms of section 50(4) of the Tribunals (Scotland) Act 2014 what important point of principle or practice would be raised or what other compelling reason there is for allowing a further appeal to proceed.