

Claim assessment

Pre-existing or congenital conditions

The legislation introducing LTIA came into force on 1 October 2004. This specifically excluded persons from claiming LTIA for conditions that were either congenital or pre existed the introduction of the benefit. This is therefore taken to be prior to 1 October 2004.

However if a person is able to provide sufficient medical evidence to demonstrate that a congenital or pre existing condition has deteriorated since 1 October 2004 then a claim to LTIA can be made and considered by the medical board.

This evidence would normally need to be in the form of a letter from the claimant's doctor and also any other consultant or specialist treating the person.

It might also include the person having claimed STIA since 1 October 2004 for an incapacity for work as a result of a deterioration in the relevant condition. However the presence of any STIA claims would only be one indicator. Therefore the absence of any STIA claims does not necessarily indicate that there has been no deterioration.