

Mr D G Robson
34 Raynes Road
Lee-on-the-Solent
Hampshire
PO13 9AL

Mr T Krishna
Team Leader
Pensions Ombudsman's Service
11 Belgrave Road
London
SX1V 1RB

14th March 2011

Dear Mr Krishna

Armed Forces Pension Scheme
Principal Civil Service Widow's Pension Scheme

Enclosures

1. Social Security Act 1973 Commencement Order.
2. My Civil Service Pension V3.0 January 11th 2011.
3. My Civil Service Pension V3.0 November 30th 2010.
4. Transcript of Appeal Court hearing – Hudson & Hudson & Others V MOD & Treasury 1973.
5. House of Commons Library Advisory Information – Armed Forces Occupational Pension's entitlements.
6. Pension Schemes Act 1993 – Introduction.
7. Pension Schemes Act 1993 – Determination by the Pensions Ombudsman re Mr Kidd.
8. Letter to Caroline Dinenage MP dated 18th November 2010.
9. Letter to Kerry Welsh SPVA dated 4th March 2011.
10. Letter from Mr Kevan Jones MP dated 4th July 2009.

Thank you for your letter dated December 21st 2010. The reason for the delay in my reply has been due to correspondence with the Service Personnel and Veterans Agency responsible for the MOD's Internal Dispute Procedure and long delays awaiting their replies together with replies from other Government Departments.

With reference to the first four paragraphs of your letter dated December 21st 2010 and delays in approaching the Pensions Ombudsman's Service. Please refer to the responses I have already provided Mr Stracham regarding the same queries you refer to. The MOD had no Internal Dispute Procedure (IDR) prior to August 2010 and our disputes were dealt with by correspondence with Members of Parliament referring matters to the Minister and Deputy Minister of Defence. Much of this

correspondence after 1993 was in dealing with the constant 'Misinformation, Spin and False Pretences' these Ministers constantly paraded in reply.

Under the new, recently introduced IDR, any outstanding cases prior to August 2010 have also to be submitted to this procedure. Hence the request by Caroline Dinéage MP to consider our claims in accordance with this new IDR. We are still awaiting the outcome of their deliberations which will be forwarded to you on receipt.

With reference to copies of Court Papers for Hudson V MOD & Treasury you requested. You will find a complete copy of 'High Court' hearing transcript in our 2008 Researched Report and Addendums you should already have in your possession. Two copies of this Report were sent to the PSO and one has been returned in the meantime. If you are without a copy could you please let me know ?

Regarding the Transcript for the Appeal Court Hearing, the salient points regarding abatements to pay levels are also referred to in this Report as above. I should point out that Hudson's claim was that pay levels had been abated to provide the Armed Forces with Pensions prior to 1975. The judgement given in the High Court was given with regards to this abatement claim and not whether the Armed Forces Pre 1975 were entitled to Occupational Pensions Per. Se. Much circumstantial evidence has been referred to since, but unknown to Counsel for Hudson at the time of the hearing, that abatements did occur to the Armed Forces Pay Levels Pre 1975, and apparently for pensionable purposes since there is no other explanation for them. The judgement was also based upon Counsel for the MOD & Treasury claiming a 'Firm Belief' there had been no abatement to pay levels. This amounts to 'Hearsay and Rumour' and is totally unacceptable in law.

I have enclosed a copy of the Hudson Appeal Transcript for the above. I should point out however that those paragraphs not referred to in our 2008 Researched Report refer to self enrichment 'Case Law' which was irrelevant to our Report. Would you please take copies of this Transcript of the Appeal Court hearing if you so wish and return it to me at your earliest convenience?

I have enclosed the response from the Civil Service 'Internal Dispute Procedure' for Civil Servants regarding Widow's Pensions – My Civil Service Pension dated January 11th 2011.

The above response is regarded as totally unacceptable since it amounts to a 'Breach of Trust' and a 'Breach of Contract'. This is also unacceptable in law with participants entitled to have their contributions refunded.

I have enclosed the response from the Civil Service 'Internal Dispute Procedure' for Civil Servants regarding participation in Reconstruction Competitions – My Civil Service Pension dated 30th November 2010. In the late 1950's and early 60's these competitions were considerably extended in order to cope with the Government's required expansion in Science and Technology Grades to be introduced into the Civil Service. With reference to a Member of the Interview Board recently the interview was based upon a Reconstruction Competition when I was admitted as a Professional

Technological Officer into the Civil Service. As such I am entitled to have my years of service in the Armed Forces Pre 1975 added to my Civil Service Pension in accordance with the Rules of the Principal Civil Service Pension Scheme 1975. This matter has now been referred to my Member of Parliament Caroline Dinenage for referral to the Civil Service Commissioners and I am awaiting their response.

In my letter to Caroline Dinenage MP dated 18th November enclosed you will see that I requested her to forward the same questions to the present Minister of Defence which had been submitted to the previous Minister Mr Kevan Jones MP dated 4th July 2009. The response from the present Minister of Defence is still awaited since November 2010 ! However I wish to draw to your attention my comments regarding the previous Minister's reply as set out in my letter to Ms Kerry Welsh dated 4th March 2011 at the SPVA responsible for the MOD's Internal Dispute Procedure.

I wish to draw your attention to the 'House of Commons' undated Advisory Leaflet commencing – 'you received a letter from The Combined Armed Forces Federation UK regarding occupational pension's entitlements

In the above Leaflet below the second paragraph it states –

For contributory schemes members were given a refund of their own contributions when they left service. For non-contributory schemes membership lapsed without benefit.

The above is totally incorrect for non-contributory schemes and contrary to the Social Security Act 1973 and Social Security & Pensions Act 1975. In the Private Sector, Companies enabled employees to have refunds of contributions employers had made with private pension providers on behalf of their Company's employees for reinvestment with alternative pension providers if they so wished. I know of no such reference to non contributory schemes lapsing without benefit in either Act which I am reasonably familiar with. If there is such a reference could you please let me have it or alternatively if there is not could you please take steps to correct this House of Commons Leaflet as a matter of urgency ?

I wish to draw your attention to the transcript enclosed – Pension Schemes Act 1993 Part X – Determination by the Pensions Ombudsman, N00127.

In summary Mr Kidd wished to be allowed to transfer his benefits accrued in the AFPS to the Police Pension Scheme but was refused due to failing to meet required time intervals. Could you please advise me whether, had he been able to transfer his benefits, this would have affected any gratuities, interest or bonuses he would otherwise have been entitled to or, most important, whether he would have lost his right to his Armed Forces Pension benefits completely as a result of this ruling ? The transcript gives the impression he would lose his Armed Forces Pension benefits. If this was not the case could you please advise me whether this was made known to Mr Kidd and provide me with his contact details please ?

Finally I have enclosed copies of the critical extract from the Social Security Act 1973 Schedule 16 and Social Security and Pensions Act 1975 preamble to its 'Introduction'. It is abundantly clear, unequivocal and un-ambiguous in Schedule 16 of the 1973 Act that long service benefits are included in these Acts prior to the appointed day which also includes 'short service benefits'. Acts of Parliament are Statutes which define the essential legal requirements of the law and its applications. Please note Schedule 16 refers to 'Service before the appointed day and not contributions.

I cannot see that I can be of any further assistance in your deliberations and therefore request you let me know at your earliest convenience whether the POS is going to accept my application for investigation or not ? The outcome of the SPVA's deliberations will be forwarded to you on receipt as stated earlier.

Yours sincerely

A handwritten signature in black ink that reads "David Robson". The signature is written in a cursive style with a prominent 'D' and 'R'.

David Robson