

Submission of Daryl Cunningham



Years of service: 5 ½

Postal Transport Officer – Linehaul

Currently on rehab at Nunawading Transport Hub

My submission relates to the fact that Australia Post take too long to approve treatment even when it is clear-cut what is needed. Australia Post try to use any excuse to delay or refuse liability (e.g. my lapband surgery & a slight accident 30 years ago). See points 10 & 19 in my submission. Australia Post management do not inform you of your rights and responsibilities in relation to compensation and rehabilitation. Please note I was not given a compensation claim form until 16 days after my accident. (See point 10)

1. I had a traffic accident while driving my semitrailer back to Melbourne at 5.15am on 22 July 2009. Another truck was parked on the side of the highway and I ran into it at 100 kms an hour. I have attached a photo to this submission. I was taken to Northern Hospital, treated for cuts and abrasions and then taken for X-rays on chest and shoulder. I had no broken bones. The hospital doctor told me that I was probably just bruised and sprained and to go to my local doctor in a couple of days. My wife drove me home.
2. That night I started vomiting and drifting in and out of sleep, the next day I was much the same and a few people from Australia Post rang to see how I was. On Thursday 23 July I was still unwell my wife rang local doctor and I was unable to see him till Friday. [REDACTED] from Operations Support called on Thursday and told my wife he had made appointment with FND. My wife tells him she has already made a appointment with local doctor he asks for local doctors name, address and fax number so he can send relevant paper work. Later in the day, my manager contacts my wife with an appointment with FND on Friday 24 at 3.15pm
3. I rang my local doctors Friday morning to see if they had received paperwork from Australia Post. They informed me nothing had been sent so I had to cancel my appointment. I then rang [REDACTED] and left a message saying the paper work had not been sent, and had no reply from him at all.

4. Upon seeing the FND I handed him the envelope he opened it and read the contents and stated his role was to assess when I could return to work and what duties I could perform. My wife and I asked him about my injuries he said it was not his duty to check my injuries he was only here to assess when I could return to work. My wife told him we cancelled our appointment with local doctor assuming that he was going to treat me. In the course of the conversation this arose three times, he then said are you not listening I have told you 3 times I'm only here to assess you, he then said does it look like I have a nurse here. He then started cursing and said I don't have time for this I'm sick of Australia Post. He got on the phone to a female at Australia Post and got most frustrated when unanswered and left a voice mail message for her. He then rang our local doctor to see if I could be treated but they were booked out. He then dismissed us without even looking or checking any of my injuries. I wondered how he was supposed to assess me.
5. I went into car park and immediately rang [REDACTED] my manager, to see what to do next he said [REDACTED] would call me back. [REDACTED] called and I explained what had happened and he said go see your local doctor which we could not do as we knew they were already booked out. My wife then had to go to chemist to buy bandages, antiseptics and painkillers and she attended my wounds. I was unable to see the local doctor on Monday 27th as I was having lapband surgery. They were aware of my injuries and took any necessary precautions and I was released on Tuesday morning.
6. I made an appointment on Wednesday 29th at 9.30 am with local doctor regarding the accident injuries. I had to call Australia Post again as no paperwork had been sent. Eventually they sent it while I was there. The doctor changed my bandages and checked my shoulder and decided to send me off immediately for a scan on my right shoulder. They told me results would be back at the doctors on Friday 31th. I made an appointment for Friday to see my doctor about results, he told me I needed to see an orthopedic surgeon as results stated I have torn tendons. He gave me a medical certificate to 5/8/09. I faxed a copy of medical cert and scan results to [REDACTED]
7. Then on the 3/8/09 I receive a letter from Australia Post claims processing team leader asking me about invoices and the injury to my right shoulder. The date on letter for injury to right shoulder says 1/5/09 quite a few weeks difference from when accident happens. So I call [REDACTED] Compensation Claims Officer and she knows nothing about my injuries at all. Someone in my transport office has not sent any information to her. Now [REDACTED] had asked me to send all paperwork to him. [REDACTED] then asks if I have filled out a claim form I answered no. I called [REDACTED] and asked him for a claim form he said he would send me one. While this is all happening [REDACTED]

rehab provider calls to find out how I'm going. I told her about not even getting a claim form yet and she says I'll send you one.

8. I went to see [REDACTED] orthopedic surgeon on 4/8/09, he checked my shoulder and looked at the report of scan and said I would need surgery. His secretary contacted Australia Post head office and a copy of his report was sent there with a quote for carrying out necessary surgery. I faxed a copy to [REDACTED]
9. I made appointment with local doctor on Wednesday 5/8/09 as medical certificate was to run out I faxed a copy of new medical certificate to [REDACTED] as it said still awaiting surgery.
10. **I received claim form on 6/8/09, filled it in and sent it back straight away. I feel someone should have given me a claim form within a couple of days or sent one with [REDACTED] when he came to my home on 24/7/09. They haven't advised me of the requirements required by Australia Post in regards to a worker's compensation claim.** I received the claim form back and noticed [REDACTED] does not support this claim and it says see supporting statement, I ring [REDACTED] to inquire what this statement is he tells me it is in regards to a previous accident and me having lap band surgery. The fact I had lap band surgery has nothing to do with the accident. He explained it was his job to inform the claims office of any previous incidents.
11. I think he is referring to a previous accident which I declared in the drivers accident report on 26/7/09 no injuries were incurred by me in this previous accident which happened on the way to work.
12. [REDACTED] sent me a form to fill out for sick pay if I want to get paid. I had assumed that as it happened during work hours it would be covered by Comcare.
13. I waited at home for a reply from Australia Post from 6/8/09 till 19/8/09 then I receive a letter from a rehab+ compensation person [REDACTED] accepting liability for bruised/sprained right shoulder, elbow and left knee left loin. I called [REDACTED] and asked her when I can get my operation done on my shoulder and she said further investigation is needed.
14. I don't understand why further investigation is needed. As explained to me by the orthopedic surgeon that breaks only show up on x-rays not torn tendons which can only be detected by scans. [REDACTED] tells me that some paperwork needs to be sent to my local doctor, during the conversation she said she was missing some medical certificates. So I fax them to her. Obviously someone in office is not forwarding the copies of medical certificates to her. I called [REDACTED] on 31/8/09 as I haven't heard from her office she transfers me to

██████████ who is looking after the claim and was told necessary documents were sent to local doctors on 24/8/09 so I call doctors to make sure they have received them.

15. ██████████ calls again checking to see how I'm going.
16. I have doctor's appointment on 3/9/09. A new doctors certificate is faxed off to ██████████ and ██████████. ██████████ calls at 4.35 pm asks how am I and tells me he saw new doctors certificate and says I have to fill out another p66 form. I tell ██████████ I have a letter accepting liability for injuries and am still waiting for ok for surgery. He asks me to call ██████████. I called him at 4.45pm explained exactly what I had told ██████████.
17. ██████████ tells me I have to return to work whilst waiting for operation. (This is no doubt because I now have an accepted claim) I replied that's ok but I can't drive a car as stated in medical certificate. He replies with a statement of you can't tell me you've not driven a car since you've been home. I was insulted by this as my wife has gone to work late or left early to drive me to most of my appointments and my neighbours have helped also. ██████████ tells me he will talk to ██████████ and call me next week with more info.
18. On the 4/9/09 I received a letter from ██████████ the compensation claims manager allowing ██████████ to conduct a MRI scan and that they are awaiting a report from the Northern Hospital.
19. On 29 October I wrote to ██████████ about the comment on the doctor's report from the Northern Hospital referring to a previous motorcycle incident. This was blown all out of proportion. During my examination I commented that I had bruised my shoulder before in a motorcycle incident. This happened when I was in my mid twenties (almost 30 years early) when I was riding my motorbike around the backyard and I fell off it. At no time did I visit any doctor or receive any medical treatment whatsoever. I had just used it as a comparison to the pain I was feeling (i.e. there was no comparison) and thinking that when the doctor thought I might just be bruised, that's good it won't take long to heal.
20. Australia Post eventually accepted that ██████████ could conduct the surgery on November 24, 2009 – first perform an arthroscope to assess the damage and to see whether it is possible to repair the damage to my shoulder. The surgeons that I have been sent to see have all told me that this surgery should have been done within 3 – 6 weeks to maximise the success of the operation.