Copy of papers relating to 3 Primary and 1 Supplementary Report

Australian Government

Department of Veterans' Affairs

MINUTE

National Office

Barry Telford
Division Head
Compensation & Support

Cc: Simon Harrington
Commissioner

COMPLAINTS ABOUT WRITEWAY RESEARCHER - [redacted]

Purpose
To advise of the facts surrounding the above complaint.

Background

2. [redacted], pensions officer from the [redacted] wrote to you on 18 April 2005 stating that he had "just completed a claim for disability pension" for a member of the association. He complained about the quality of specific research reports written by [redacted] on behalf of Writeway Research Services and stated that his client and two other veterans had their claims rejected solely on the basis of those reports. The impression given in the letter was that both the reports and the cases mentioned were recent. However, investigations into [redacted] complaint have shown that these reports dated from April 2001 to March 2002.

3. The case that [redacted] had just completed was a new claim for PTSD submitted in December 2004 with new comprehensive information and witness statements ([redacted]). No research report was associated with this claim which was accepted at the primary level by the delegate. A previous claim for "anxiety and stress" diagnosed as PTSD had been submitted in May 2001. This earlier claim, the subject of a research report, was rejected at the primary level and withdrawn in July 2002 prior to the Veterans' Review Board hearing.

4. The other cases raised by [redacted] are also not as clear-cut as implied in his letter. In the case of:

- [redacted] - the VRB affirmed the delegate's decision to reject PTSD and the AAT, by consent, accepted Depressive Disorder, rather than PTSD; and
- [redacted] - the VRB affirmed the delegate's decision to reject PTSD and Alcohol Abuse, a research report was then obtained and the AAT accepted these conditions as war-caused.

A summary of all three cases is at Attachment A.

Quality of Reports – [redacted]

5. [redacted] is a seasoned report writer. He is the senior RAAF researcher for Writeway Research Services. His reports are generally of a high quality and the Department has not previously received complaints about his reports.

6. With one exception, [redacted] reports which are the subject of the complaint are of a high quality, albeit restricted by what he has been asked to investigate. However, as pointed out by [redacted], one report does refer extensively to "a pilot who was there at the time" without any identification of this individual. This December 2001 report related to the first PTSD claim by [redacted] whom [redacted] later successfully represented. This type of witness identification would not be accepted in a contemporary research report.

7. In another report the claims assessor requesting the report misrepresented the veterans' contention. The research report itself was well written and the investigations were consistent with the contention as it had been given to [redacted] However, as the report did not address the contention made by the claimant, it provided irrelevant information.

Summary

8. The research reports that are the subject of [redacted] complaint are old. They predate the February 2005 briefing for DVA contracted researchers and the subsequent Departmental Instruction which updated previous instructions on requesting and accepting research reports. They also predate the January 2004 Departmental Instruction which requires that before a claim is refused due to material in a research report, a copy of the report is to be provided to the claimant and their representative so that they have the opportunity to dispute the findings in the report.

Recommendation

9. That you:

- note the content of this brief; and
- sign the attached letter to [redacted].

Carolyn Spiers
Branch Head Veterans' Compensation

June 2005

[redacted]

18 June 2001	PTSD claim submitted.
21 November 2001	PTSD diagnosis received.
13 March 2002	Writeway research report received. This report is well written but the research is carried out on the basis of a contention misrepresented by the claims assessor.
19 March 2002	PTSD rejected by delegate – no stressor experienced - no SoP factors met.
23 October 2002	ESO representative writes to VRB and points out that contention in the research report is not what [redacted] contended. New witness letter provided.
5 December 2002	VRB affirmed decision to reject PTSD – does not meet SoP factor.
5 December 2003	AAT decision, by consent, varied the Repatriation Commission decision and accepted Depressive Disorder as war-caused.

[redacted]

25 May 1998	PTSD and Alcohol Abuse claim submitted (as well as claims for other disabilities).
7 January 1999	PTSD rejected by delegate – no stressor experienced - no SoP factors met. Alcohol Abuse rejected – No SoP factors met.
20 December 1999	Request from DVA to [redacted] for information surrounding circumstances of [redacted] service. This request was made after the receipt of further information from [redacted] and a decision of the s.31 review officer not to intervene.
21 June 2000	VRB affirmed decisions to reject PTSD and Alcohol Abuse.
2 April 2001	Writeway research report requested prior to AAT hearing. The lengthy, well written report supported [redacted] contentions in may instances and simply stated "no documentation found which would confirm or otherwise" in relation to other contentions.
16 November 2001	A supplementary Writeway research report was provided following [redacted] response to the first one. The supplementary report was also well written.
7 February 2003	AAT decision accepted PTSD and Alcohol Abuse.

[redacted]

8 May 2001	Claim for Anxiety and Stress and Alcohol Dependence submitted (as well as other disabilities).
16 July 2001	PTSD diagnosed.
14 December 2001	Writeway research report received.
21 January 2002	PTSD and Alcohol Dependence rejected by delegate – SoP factors not met.
3 February 2002	Letter from [redacted] to delegate pointing out errors in some contentions in the psychiatrist's report. These contentions were then provided to the researcher for investigation.
19 July 2002	[redacted] withdraws PTSD claim prior to VRB hearing.
5 March 2003	VRB rejects Alcohol Dependence (and hypertension).
7 December 2004	[redacted] (with [redacted] as his advocate) submits new claim for PTSD, Hypertension and Alcohol Dependence together with witness statements.
22 February 2005	Further witness statements and information provided.
14 March 2005	PTSD, Hypertension and Alcohol Dependence accepted by claims assessor.