



RECOMMENDATION FOLLOWING AN APPLICATION FOR REVIEW OF THE INSURER'S WORK CAPACITY DECISION PURSUANT TO SECTION 44BB(1)(c) OF THE *WORKERS COMPENSATION ACT 1987*.

SUMMARY:

a. The application is dismissed.

Introduction and background

1. The applicant seeks procedural review of a work capacity decision made by the Insurer on 31 March 2016. The applicant was informed that her weekly payments would cease on 10 July 2016.
2. An internal review, dated 10 June 2016, reached the same conclusion.
3. The Authority issued a merit review recommendation dated 4 August 2016; it also found that the applicant had no ongoing entitlement to weekly payments.
4. The applicant sought procedural review by this office on 1 September 2016. I find that the application was made within time and on the correct form.

Applicant's Submissions.

5. The applicant made submissions which may be summarised as follows:
 - The merit reviewer mistakenly found that she is currently working 45.98 hours per week, whereas she is actually working 20 hours per week.
 - In her own words the applicant says: "I am casually employed and to date have been working approximately 20 hours per week on a contractual basis. While my current payments in no reflect the actual hours spent doing this work I am told that in the end my hours will be reimbursed as will my travel expenses. I have requested SIRA review their decision with regard to my hours of employment and have not been responded to one way or the other. Fearing that I would run out of time for a review by WIRO I ask that you look into this for me."



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- Her skills have “faded” after so long spent looking for work;
 - She believes she is only fit for 20-25 hours work per week.
6. All of these submissions go to the merits of the case and are based on a fundamental misunderstanding of the role of this Office. The merits of the case are exclusively the domain of the Authority (SIRA). I can only review the procedures of the Insurer in coming to their decision.
7. I note in passing that, despite her own subjective belief, the applicant’s own Nominated Treating Doctor certifies her fit to work for 35 hours per week.

Decision

8. The decision of the Insurer was made in full compliance with the legislation and the Guidelines. There is no procedural error displayed and therefore the application must fail.

RECOMMENDATION

9. The application is dismissed

A handwritten signature in blue ink, appearing to read "Wayne Cooper".

Wayne Cooper
Delegate of the Workers Compensation
Independent Review Officer
29 September 2016