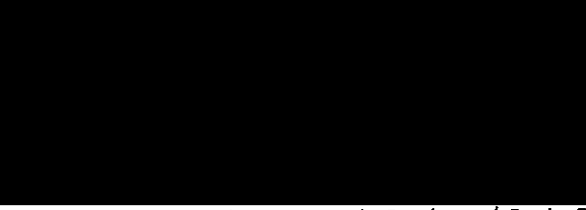
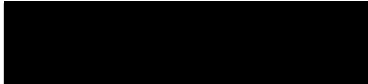


Submission of Paul Lucignani

Paul Lucignani



Postal Delivery Officer – North Geelong / Corio Delivery Centre





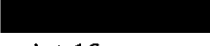
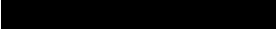


I believe my case highlights some of the problems with Australia Post's practices and procedures in relation to injured workers.

In summary, I believe my workplace injury could have been resolved in 6 weeks with an \$800 operation. Australia Post refused my claim so I had 3 ½ months without treatment. The matter took from 12/2/07 until 18/6/08 to finally resolve at conciliation at the AAT. It cost tens of thousands of dollars. During this time I had considerable medical costs, loss of income, and had to use my sick leave and annual leave. The FND's assessment obtained under a Fitness for Duty direction was used as the reason for refusing liability.

Terms of Reference 1 & 3 & 6.


I was forced back to work on inappropriate duties before I had recovered because of the FND policy.

Refer to My History of Injury & Compensation Process below point (1) para 6. 
an FND who saw me for 5 minutes decided there was nothing wrong with me and returned me to work on full duties. I was referred to him under a Fitness for Duty. He talked to my manager without any authority from me. The complaint about this poor consultation was given to 
 from InjuryNet to investigate.  supported 
I am also critical of  evaluation. Refer point 16.

I was made to attend several consultations with FNDs even though I had chosen to be treated by my family doctor. I believe this is a great waste of medical resources and only adds to the stress put on injured workers.

Terms of Reference 2

The pressure to return to work even if you are not fit is significant. Refer (1)&(2). Once my doctor certified my incapacity to work I had a phone call from the supervisor that night and one again from the manager in the morning and the RTW Co-ordinator was sent to my home.

I can only assume that this is motivated by the desire to reduce Lost Time Injuries and to maximise bonus payments. Once I returned back to work on restrictions there was pressure for me to work full hours. The FND  declared that Australia Post would not let him give me reduced hours. (9)

Terms of Reference 4.

5 minute consultation was used to deny liability and then to re-affirm this decision.

What Australia Post used to knock back my claim was a statement from my manager quote: "I feel the differences in opinion from Paul's treating doctor and the opinion from Australia Post FND are too varied. Paul chose to seek treatment from his family doctor, has not been able to recommend restricted duties to assist with his assessed condition. I find this assessment extreme, especially when the facility could provide a range of duties for Paul to participate in that could accommodate the non use of his left hand (PDO is right handed and the majority of the PDO indoor duties are completed with the right hand) instead deeming him unfit for any duties from 12/2-25/2/07. Paul was referred to the Australia Post FND, for a fitness for duty assessment and in his opinion Paul was fit to work from 12/2/07 with no restrictions".

made these comments even though he knew my doctor had me on diuretics which made me dizzy and had me obviously going to the toilet constantly. My doctor wanted to see if the symptoms would subside if I was rested and he felt if I went to work I would use my left hand even if I tried not to.

In denying my claim and later re-affirming this decision, Australia Post used assessment as a point to deny my claim even though I had 2 appointments later on with FND who had a different opinion.

History of Injury & Compensation Process

1. Monday 12/2/07

5.30am started work

6.20am informed (supervisor) re: left hand and sensations I was feeling, I thought I should fill out a P400 and attend my own doctor.

6.30am filled out P400, informed (manager) that I would go to the doctor because I was worried about it. Tim offered to make an appointment with the FND.

9.30am I attended my own doctor. He went through the possible causes for the pain and sensation, tested my reflexes and hand strength. He put forward a strategy to find out what was going on. X-ray's of hand and neck, possible nerve conduction test, tablets to reduce fluid in the body to see if this would provide some relief, he explained the last possibility of an operation if it was carpal tunnel syndrome. I was to see him again in 3 days time to see if the fluid reduction had helped the situation. He explained the repetition in the use of that arm and hand pointed to a greater probability it was work related especially given that it was in my left hand and I am right handed

10.15am I attended work, informed of my doctor's opinion and that he had given me 2 weeks off work to see if this would help the symptoms subside. I filled out a compensation claim form, release of medical records form, leave form until 23/2/07.

arranged a 12.30pm appointment with the FND. I asked which doctor I had to follow; he said it was my choice. I said my doctor was our family doctor for 12 years and I trusted him and would nominate to follow his directions.

12.30pm I attended FND facility

1.38pm I was attended to by FND consultation lasted no longer than 5 minutes. He had no paperwork on me and had to leave the consult, there were no questions: on what my work involved, what I thought caused it, no notes taken in my presence, any changes to my work, he scoffed at my doctor's request for x-rays, did not suggest any tests I should take, his only questions were on whether I played sport on the weekend, I replied I did not play sport at all, then he suggested again the injury could be from a footy injury. I felt he was only interested to see if he could distance work from responsibility for the injury, he was not concerned with me as a patient at all. When the consult was over and he stated he believed there was nothing wrong with me and he would recommend I return to work on full duties, I stated "I would not have expected anything else 'Australia post had paid for this assessment and what else could he write with such little time spent on me. He told me "that was it and I could leave" I answered every question he asked me, and he was at pains to point out Australia Post did not pay him they paid the company that employed him. I see little difference myself.

2.45pm I attended "GMI" for x-rays of left wrist and upper body.

5.00pm I returned a call from told me to attend for duty at 6.00am on the 13/02/07. I informed my treating doctor had placed me on medication and required me not to attend until 26/02/07 and that I would be following his directions.

2. 13/2/07

7.40am rang regarding my progress. I informed him of the FND's short consult and how I was unhappy with its detail. I told him I was considering a complaint against he informed me to forward receipts for bills paid so if my claim was accepted a refund would be possible.

9.00am rang from Australia Post Return To Work section, said was in the area, could she see me and explain my rights and obligations regarding return to work. I said yes but I had taken some medication and was not confident in driving, so could she visit me at home. She did so and I explained my dissatisfaction with the FND.

10.00am visits me at home, explains the process and that my treating doctor has the say in what happens to me. I explained my symptoms and my dissatisfaction with the FND and his attitude. She gave me the FND report and a return to work plan based on it. She recommended a splint at night that might ease the pain and sensations.

3. 14/2/07

1.20pm call from asked how I was and sending invoice from doctor to me to pay. I informed him of my complaint against and my intention to follow up.

4. 21/2/07

Attended Kardinia House (Geelong Hospital) for nerve conduction test, [REDACTED] stated tests confirm carpal tunnel left hand and borderline right, responses outside normal parameters

5. 22/2/07

10.15am attended [REDACTED] tests confirm diagnosis, certificate of capacity .unfit for work unless duties which don't involve left hand

12.30pm attended work I need a return to work plan approved by [REDACTED] return to work plan by [REDACTED]

6. 26/2/07

6.30am attended work meeting [REDACTED] and [REDACTED] agreed to new plan if [REDACTED] agreed.

10.30am attended [REDACTED] restricted duties to half hours as extra strain on right hand might be placed if full hours are resumed. As right hand was borderline.

7. 27/2/07

5.30am returned to work half time, hands free sorter provided.

8. 28/2/07

After discussions with [REDACTED] and [REDACTED] agreed to 5.00am start so I did not delay those delivering my round.

9. 1/3/07

I was asked by [REDACTED] to attend FND at same medical facility as [REDACTED] but with [REDACTED] at 10.20am Original appointment at 8.20am asked that it be changed as notice too short to get there, this was agreed and rescheduled appointment.

10.30am attended fitness for duty assessment with [REDACTED] At the outset I asked the doctor if he had spoken to [REDACTED] re me. He indicated he had. I stated that if I felt I had not had a proper consult and opportunity this time, I would complain again. This consult was thorough and I offered the NCT results which the doctor agreed confirmed my CTS diagnosis. He said he believed an operation was necessary as corticoid injections had a low probability of giving a long term solution and did not help in many cases. He offered me the name of a plastic surgeon [REDACTED] who I could recommend to my GP. [REDACTED] told me he had vast experience with CTS in his work in Shepparton with fruit pickers. He told me the operation was relatively simple and he had assisted on many operations himself. He again assured me an operation was the more realistic option if I wished to continue my work. He also asked me how long I worked as a Postal Delivery Officer and when I said 19 years, he stated that was cause of my injury. His FND statement recommended full hours

with restrictions limiting my right hand to 4 hour of normal duty then answering the phone or making coffee or similar duties for the remainder of the shift. He stated he had no choice but to recommend full hours not part hours.

10. 7/3/07

██████████ and I spoke re certificate of capacity and expiry date of 12/03/07 agreed to attend my GP on 8/03/07 to obtain new certificates 12/03/07 was a public holiday.

11. 8/3/07

I attended ██████████ for a review of situation, continuation of 4 hours a day as symptoms have eased only slightly. Referral to ██████████ for follow up consult and possible tests. Further referral to ██████████ plastic surgeon, for operation.

12. 9/3/07

Return to Work plan completed by I Kemp from FND FFDA

13. 13/3/07

Attended ██████████ for follow up consult, he checked all my reflexes, my balance, my skin sensations, in my legs and toes. He explained how the slowness in my nerve reactions was from a possible loss of nerve conductivity and if this was severe it would manifest itself first in my extremities. He however concluded from his examination that my reflexes were excellent in my lower limbs and that there were no concerns as to any other problems. From this he explained the operation for CTS and explained it was simple and I would return to work quickly, 2-3 weeks after the operation. He stated he had no hesitation in recommending that I have the operation for CTS to relieve the pain and considering my age and the continued use of my left hand at work for the foreseeable future.

14. 15/03/07

I attended FND as required, same restrictions and recommendations as previous FND assessment. He was surprised when I told Australia Post had not approved my claim as he thought they would have done so after my first visit to him. Again he recommended the operation to me I mentioned the plastic surgeon my GP had referred me to and he agreed it was a good choice. He wished me luck and I left phone call to ██████████ Reconsideration Officer Australia Post to ask how long it would take for a determination to be made as I had a referral for plastic surgeon and I would like to give him a time line for the operation if I was accepted. ██████████ said I had to visit a specialist to determine if my claim was work related and I said to her that I had seen the FND ██████████ two times and the FND agreed from the nerve conduction tests that I had CTS and recommended an operation twice to me. She said I should receive a determination in 7 – 10 days after attending the specialist

15. 22/2/07

Return to work plan discussed in my presence, by [REDACTED] and co-work rep

She stated 'for your interest only Paul, Victoria is the only state that allows CTS as a work related injury "I asked her: 'why are you telling me this, as it has no bearing on my situation does it ?" I felt she was trying to intimidate or worry me in some way.

16. 21/3/07

At 10.00 am I attended MLCOA with my wife as a witness to the interview. With [REDACTED] [REDACTED], I answered all questions asked. Even though some questions were totally irrelevant to my injury, such as, do you have financial problems? Are your children well? Overall he seemed to be trying to find a reason to reject my claim, and my wife and I considered him quite old to undertake and understand some of the concepts of my work that I was explaining to him. He explained he would be forwarding his report to Australia Post within 10 days

17. 30/03/07

Letter from Australia Post denied claim. In the letter there is no mention of [REDACTED] FND who I attended twice for lengthy consults. They rely on [REDACTED] FND who I attended once for five minutes.

18. 2/4/07

9.00am I called the Communication Workers Union and asked if I should get legal advice on my reconsideration letter. They referred me to Maurice Blackburn.

19. 25/05/07

Letter from Australia Post Affirming the initial liability decision. Australia Post used a statement from my unqualified (medically) supervisor to strengthen their case...I quote from the letter ".....I feel that differences in opinion from Pauls treating doctor, [REDACTED] and the opinion from the Australia Post FND, [REDACTED] are too varied, Paul chose to seek treatment from his family doctor, [REDACTED] [REDACTED] Manager North Geelong Delivery Centre

20. 31/05/07

I attended 10.30am appointment at [REDACTED] rooms in Saint John of God hospital with my wife Leanne. [REDACTED] explained the alternatives for the operation and I received an estimate for the operation. We were quite surprised at the low amount (\$800) and wondered aloud why Australia Post was so obstinate in accepting liability. [REDACTED] offered to perform the operation that morning or in approximately 6 weeks time, and as it has been my intention all the way along to return to full duties as soon as possible my wife and I decided that I should have the procedure done that day. The operation was performed at 12.00pm and I settled the account after the operation. 1.00pm I attended my workplace to submit my certificate and sick leave form.

I informed [REDACTED] that I would be absent for 2 weeks while I recovered. He was surprised I had the procedure done that day and I said to him, if I had to wait for Australia Post to look after me I would be dead before it happened.

21. 3.30 MB returned my call. I informed them I had had the operation and arranged appointment at 3.30 pm on the 5/06/07 at Melbourne to discuss possible further action

5.00pm I attended [REDACTED] for new certificate and confirmation of operation; I also settled my account with him

22. 7/06/07

I lodged appeal in the AAT through Maurice Blackburn lawyers

23. 18/06/08

I attended AAT for a compulsory conciliation conference where a settlement is reached to pay my medical costs and medical reports required to complete the process. Australia Post still deny liability.

24. These are the doctors I dealt with;

