

Gun & Davey

Covered



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COVERED CASES

GREWCOCK -v- WORKCOVER CORPORATION

Decision of the Workers Compensation Tribunal

JD 83/1998

The worker lodged a Notice of Dispute in relation to a Section 43 determination assessing 2% loss of function of the lower back. She argued that the assessment was too low and failed to include an assessment of permanent disability of both legs and disfigurement resulting from an altered gait and muscle wasting.

Upon reconsideration, the compensating authority varied the disputed determination to determine that the worker's Section 43 entitlement was *NIL* as her injury constituted a temporary aggravation of a pre-existing condition.

Adopting the approach set out in Falidis (above), the Tribunal held that there was no restriction on a reconsideration from determining a worker's entitlements in terms more adverse than those appearing in the disputed decision.

It found by way of dicta that whilst a compensating authority, upon reconsideration, must take into account matters raised in a Notice of Dispute, it is not restricted to reconsidering only those issues raised in the Notice of Dispute and can, in effect, revisit any of the issues appearing in the disputed decision.

This decision has however been appealed to the Full Bench of the Tribunal. We will report on the decision reached at that level.