

## Lack of corroboration leads to denial of psych claim

*Squires and Comcare [2018] AATA 166*

### Key Points

- The Tribunal was asked to consider whether a claimed psychological condition was materially and/or significantly contributed to by employment.
- Significant pre-existing symptoms and a lack of reporting caused the Tribunal to find against Mr Squires.

### Background

On 21 October 2002, Mr Squires commenced employment with Centrelink as a Customer Services Operator.

On 27 March 2015, Mr Squires lodged a claim for compensation in respect of a “*generalised anxiety disorder/depression*” said to have been sustained on 1 June 2005 as a result of “*exposure to high volumes of emotionally effected customers during 12 years within Centrelink*”. Comcare denied liability due to Mr Squires failure to provide notice of his injury as soon as practicable after he became aware of it.

On 3 November 2015, Mr Squires lodged a further claim for compensation in respect of a “*generalised anxiety disorder and depression*” also said to have been caused by exposure to abusive customers on 29 December 2014. Again, Comcare denied liability but this time because Mr Squire’s condition had not been significantly contributed to by his employment.

### The Law

The Tribunal was required to consider a number of factors in determining Mr Squires’ Applications:

1. whether Mr Squires suffered from an ailment, or the aggravation of an ailment;
2. if yes, whether –
  - a. the ailment was contributed to, to a material degree, by his employment, if the ailment or aggravation occurred prior to 13 April 2007; or
  - b. the ailment was significantly contributed to by his employment, if the ailment or aggravation occurred after 13 April 2007;
3. whether Mr Squires gave notice as soon as reasonably practicable after he became aware of the injury; and

4. whether Mr Squires' claimed conditions were suffered as a result of reasonably administrative action taken in a reasonable manner in respect of his employment.

## Conclusion

From the outset, Senior Member Poljak accepted that Mr Squires suffered from a long standing generalised anxiety disorder. However, Senior Member Poljak considered Mr Squires to be an unconvincing and unreliable historian, with his evidence being inconsistent and unsupported by the bulk of the evidence presented. While Mr Squires alleged that he was subject to recurrent abusive and threatening phone calls, he failed to report this to either his employer or his doctors until he submitted his claim for compensation. Further, Mr Squires had reported over the years that he enjoyed his job and did not seek to change his role to reduce or cease his telephone duties.

In addition, the medical evidence suggested that Mr Squires had a number of potential predisposing vulnerability factors for experiencing psychological issues later in life and that he also experienced episode of fluctuating levels of anxiety.

Senior Member Poljak therefore determined that Mr Squires' employment had neither materially nor significantly contributed to by his employment with Centrelink.

## Lessons Learnt

The fact that Mr Squires was an unconvincing witness was important to the rejection of his claim. However, it is a brave respondent that defends a matter based on a hunch that this may be the case alone. The key thing here was that Mr Squires' claim was simply not corroborated by the historical records.

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