

Suspending claims

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Introduction

There are three provisions under the SRC Act where a claim may be suspended:

- Section 36 – rehabilitation assessment
- Section 37 – rehabilitation program
- Section 57 – medical examination

Rehabilitation suspension

A rehabilitation authority has the authority determine that an employee's claim is suspended where the employee:

- refuses or fails to attend or obstructs a rehabilitation assessment under section 36 of the SRC Act, or
- refuses or fails to undergo a rehabilitation program under section 37 of the SRC Act, without a reasonable excuse.

Once a determination to suspend is made by a rehabilitation authority, the rehabilitation authority will advise Comcare so that the suspension can be processed.

Suspension under section 57

Section 57(2) provides Comcare with the power to suspend a claim if an employee refuses or fails, without reasonable excuse, to undergo a medical examination, or in any way obstructs a medical examination.

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What is the effect of suspending a claim?

When a suspension on a claim occurs, entitlements on that claim cease as well as the employee's right to institute or continue any proceedings under the SRC Act, such as an appeal to the Administrative Appeals Tribunal (AAT), until the suspension is lifted.

Suspension under the rehabilitation provisions

Where a suspension occurs under the rehabilitation provisions, an employee's right to compensation for medical treatment under section 16 of the SRC Act is excluded from suspension. The suspension of compensation rights only relates to the specific injury claim on which the rehabilitation requirement was made.

Suspension under section 57

Where a suspension occurs under section 57, all entitlements including medical, are ceased for the duration of the suspension. The suspension applies to the injury (or injuries) that were to be assessed at the medical examination which the employee has failed to attend or obstructed.

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Can an employee request a reconsideration of a suspension?

Suspension under the rehabilitation provisions

The decision made by the rehabilitation authority under sections 36 or 37 of the SRC Act to suspend a claim are determinations under section 60 of the SRC Act and are therefore subject to reconsideration by Comcare and subsequent review by the Administrative Appeals Tribunal (AAT). For further guidance refer to the [Reconsiderations](#) and [Administrative Appeals Tribunal](#) pages.

Suspension under section 57

From 14 June 2024, a decision to suspend under section 57(2) is a determination under section 60 of the SRC Act and is therefore subject to reconsideration by Comcare and subsequent review by the Administrative Appeals Tribunal (AAT). For

further guidance refer to the [Reconsiderations](#) and [Administrative Appeals Tribunal](#) pages.

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How long does the suspension apply for?

Suspension under the rehabilitation provisions

The suspension applies from the date the rehabilitation authority makes a determination to suspend and remains in place until the rehabilitation authority notifies Comcare that the employee has complied with the rehabilitation assessment and/or program.

Suspension under section 57

The suspension applies from the date the employee is advised of the suspension by correspondence until the employee attends the medical examination (section 57) or Comcare receives the information requested (section 58).

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Procedure for suspending a claim

To suspend a claim under either sections 36, 37 and 57 of the SRC Act follow the steps outlined below.

For a section 57 suspension, the below steps follow on from the [Procedure for actioning non-attendance or obstruction of a medical examination](#) set out on the [Independent medical examinations](#) page.

Step 1: For section 57 suspensions, check if the claim has been referred to triage and agreed at triage to suspend

If yes, continue to Step 3.

If not, refer the claim to triage – for further guidance refer to the [Triage meeting](#) page.

Step 2: For section 36 or 37 suspensions – the rehabilitation authority has provided us with the decision

Confirm the decision in writing

If yes, continue to Step 4.

If no, contact the rehabilitation authority and advise you cannot activate the suspension until the decision is received in writing.

Step 3: Prepare communication for employee

Prepare your communication (normally an email) to go to the employee and the conversation you are going to have. Discuss with your Assistant Director as needed.

Step 4: Contact the employee

Your conversation should be by telephone and include:

- that their rights to compensation are suspended
- if the suspension is being made under section 57:
 - references to the correspondence (phone calls and emails) previously sent to the employee
 - the new proposed appointment details with an independent medical examiner

- that the suspension will be lifted once they attend the medical examination/undertake the rehabilitation assessment/participate in the rehabilitation program.

You should follow up this conversation with an email which confirms the conversation.

Note: Make sure you save a copy of this email to Pracsys.

Step 5: Update Pracsys

Go to 'Manage Denial of Benefit' (MDOB) and:

- select the 'Suspension' tab
- select the 'New' button
- enter start date of the suspension
- tick the reason for suspension
- select 'OK'.

Note: An Assistant Director or above must activate the suspension via the 'Activate Denial Of Benefit' (ADOB) screen.

Note: if the suspension is being made under section 57 and the medical examination was to assess multiple injuries, you will need to ensure the ADOB screen is updated on each applicable claim.

Go to 'Manage Claim Comment' (MCOM) and enter a comment. Record all your conversations. Your comment should include:

- if the suspension is being made under section 57 that you have issued a suspension under s57
- if the suspension is being made sections 36 or 37 that the rehabilitation authority has issued a suspension under s36 or s37
- the reasons for the suspension.

Note: If the suspension is being made under section 57 and the medical examination was to assess multiple injuries, you will also need to ensure that the same comment is placed on the other relevant claim(s).

If the suspension is being made under section 57, Create an action plan in Pracsys by going to 'Manage Action Plan' (MAP) and create an action plan. The 'Description' field should include a note to check on next steps, including, where applicable, whether the employee attended a new appointment. The 'Required Date' field should be the relevant date for any action including the date of any appointment.

Lifting a suspension on a claim

Once a suspension is no longer in place, as a result, for example, of an employee attending a medical examination or a rehabilitation authority advising that a rehabilitation suspension has been lifted, Comcare must lift the suspension on the claim and processing of any requests for compensation can then resume.

You should always consider taking the suspended claim to triage to discuss lifting the suspension. If you are unsure discuss this with your Assistant Director.

Effect of lifting a suspension

Once the suspension is lifted an employee cannot recover any monies for incapacity that relate to the period of suspension **unless** the suspension was revoked following a reconsideration or Administrative Appeals Tribunal (AAT) decision.

If the suspension is revoked during the reconsiderations process, the employee's entitlements will be reinstated.

If the suspension is revoked or set aside by the Administration Appeals Tribunal, the employee's will also reinstated.

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Procedure for lifting a suspension on a claim

To lift a suspension placed on a claim under either sections 36, 37 and 57 of the SRC Act follow the steps outlined below.

Step 1: Update Pracsys

Go to 'Manage Denial of Benefit' (MDOB) and:

- select the 'Suspension' tab
- select the relevant suspension
- select 'Amend'
- remove the tick on the active box
- select 'Amend.'

Note: An Assistant Director or above must verify the inactivation of the suspension via the 'Inactivate Denial of Benefits' (IDOB) screen.

Go to MDOB:

- select the 'Suspension' tab
- enter the start date of the suspension
- enter the date employee complied with the request in the 'End Date' field, and
- click 'Activate'.

Note: An Assistant Director or above must activate the suspension via the 'Activate Denial Of Benefit' (ADOB) screen.

Important: Once the suspension is lifted an employee cannot recover any monies for incapacity that relate to the period of suspension unless the suspension was revoked following a reconsideration or Administrative Appeals Tribunal (AAT) decision.

The suspension must be re-entered by you and activated by an Assistant Director or above in Pracsys to prevent any payment of incapacity from occurring over the suspension period which may result in an overpayment.

Go to 'Manage Claim Comment' (MCOM) and enter a comment. Record any conversations. Your comment should include:

- that the suspension has been lifted
- the reasons.

Note: Place a tick in the employee comment box to ensure the comment is placed in all the claims the employee may have.

Step 2: Contact the employee

Your conversation should be by telephone and include:

- that the suspension has been lifted
- what date the suspension is lifted from
- if the suspension was made under section 57 the reasons for lifting the suspension.

Step 3: Contact the employer

Your conversation should be by telephone and include:

- confirming that the rehabilitation suspension has now been actioned in Pracsys OR
- confirming that the suspension under section 57 has now been lifted and the date it has been lifted

Step 4: Record your conversations

Create a file note and save it in Pracsys. The file note should detail the reasons for lifting the suspension.

Step 5: Advise other relevant teams in Comcare

Where there are other teams involved in the employee's claim, advise them that the suspension has been lifted.

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