

## CHAPTER 2: CIRCUMSTANCES OF ALLEGED INJURY

### 2.1. THE ALLEGATION

*Here we simply reiterate the allegations as they were known to us before we commenced our investigation. Only what's in the claim form, or the AD or the statement of claim. It's a précis of incident only. It should be brief, one or two paragraphs and it should essentially give a brief overview of what had been alleged, not what we found out.*

### 2.2. THE EVIDENCE

Here is where we report the actual evidence we obtained. All of the evidence, what is said and who said it.

Whether statements or documents or anything else, as long as it is evidence and not assumption, suspicion, etc. Deal with facts and facts are that which was written and signed in a statement or contained in a document, report, picture.

#### **Example**

“We interviewed Mr Jim Jackson, area manager of the insured and the claimant's direct supervisor. Mr Jackson detailed the claimant's duties and stated he personally instructed him to beware when lifting the....

We interviewed Mr....

We generally include here only those things that are relevant to the circumstances of injury and post-accident. However, if there are issues regarding instructions or a system of work or obvious statutory breaches, then we include them.

When referring to a statement's content, we set out the crux of it, but go into detail as necessary to give a better understanding or comparison on contentious issues.

### 2.3. MEDICAL

Our investigation has not revealed any medical evidence or information except that the Plaintiff was apparently taken by ambulance to Sutherland Hospital and was treated by Dr...

*Here only we report a summary of the chronology and basic circumstances of post-accident medical treatment we know of, either from statements or medical certificates. We do not address matters of medical opinion or anything requiring medical expertise.*

### 2.4. CLAIMANT'S CURRENT STATUS

*Under this heading we report what the claimant has stated he can and cannot do, what pain or suffering he is enduring, whether he's on leave or returned to duties. The evidence as stated by the claimant.*

*If relevant, that is, if there is conflicting evidence from the insured, we report what conflicting evidence we obtained, how it is at odds with the claimant's evidence. We do not make any comment as to truth or otherwise of anything said by anyone. Let the facts (the statements) speak for themselves.*

### 2.5. RECOVERY & COMMON LAW

The available information and evidence indicates that recovery may be available against xxxxx Investments Pty Limited on the basis that it was the developer of the....

*Here we report very briefly whether there is indication of recovery potential. Any such assertion has to be accompanied by explanation and reference to the evidence. If there's no evidence, then the whole section is left out.*

*Here we may also report on common law potential of the claim, however, this is dangerous territory for the unacquainted and may best be left alone unless you are capable of identifying the correct evidence relevant to negligence. Wrong interpretation can prejudice the insurance company's legal interests.*

### 2.6. RECOMMENDATIONS

Mr Omar T has not been available for an interview with us to date and we therefore recommend that a statement from him should be pursued because....

In view of the statement by Miss Terri M about the claimant's week end activities, we recommend a period of surveillance of the claimant should be carried out...

*We set out here the main outstanding matters which should be pursued, if they might be relevant to the outcome of the claim.*

We trust the findings will be of assistance and we thank you for referring this matter to us. We will not proceed with further investigations unless you instruct us.

Yours faithfully,

YOUR NAME

XXXXX & ASSOCIATES PTY LIMITED