

TO: THE AMINISTRATIVE APPEALS TRIBUNAL

ATTN: Deputy President [REDACTED]

Statement in pursuance of a request for final submissions by June 1st in the case of DVA - V - Rustyn Thomas [REDACTED]

Dear Sir:

I know little of court protocols and proceedings but I can detect when a hearing is being manipulated by an experienced party to the detriment of one not so experienced. An explanation follows.

There were to be 2 doctors to give evidence during the course of this hearing.

To establish my case it was necessary to ask at least 1 or preferably both doctors 2 questions. They both tendered statements that I suffer from Gluteal Tendinopathy and that the condition would "impact on my ability to work".

The questions are.

1. Doctor what is the treatment for Gluteal Tendinopathy and did you so prescribe for Mr. Thomas?
2. Doctor how long in your opinion would Mr. Thomas suffering from Gluteal Tendinopathy have been unable to work?

The answer to those 2 vital questions are as follows.

1. Dr. [REDACTED] – nil treatment. Dr. [REDACTED] – prescribed 2 injections for Bursitis one in either hip. Nothing for Gluteal Tendinopathy.
2. Neither doctor expressed a view as to how long recovery would be however it is generally given that recovery would take 1 to 2 weeks.

At the 0830 hearing on the 27th of April as I understand it from Dr. [REDACTED]'s secretary: Dr. [REDACTED] was advised by phone without my knowledge that his testimony was not needed. That was very convenient for DVA because without the opportunity, neither doctor could answer those 2 questions nor had the opportunity to give a "complete" and accurate testimony of my condition. Of course immediately I had no case and no reason to convene a Tribunal hearing. I was, due to heart surgery, unable to attend the hearing in person.

Sir: I have no doubt that had the 2 questions been asked, the Tribunal would have received the correct responses.

The correct and proper treatment for Gluteal Tendinopathy is rest and ice packs every 2 to 4 hours to allow the swelling to subside.

Had the correct protocols been followed and the questions asked it would immediately bring into prominence the questions of whether, if I had applied for acceptance of Gluteal Tendinopathy as a

defence caused "Permanent" disability, whether it would have been accepted and of course it would NOT have, with such an easy treatment.

Note #1. Briefly.

The medical terminology; Tendinopathy/ Tendinitis/ Tendinosis? Tenosynovitis etc. is most often used to describe a painful of inflamed tendon or joint and there are as many reasons for a tender joint, as there are joints in the human body. Perhaps the most common and well known, is that of "Tennis Elbow". Among the general population tennis elbow can take 1 to 2 weeks to heal however among professional tennis players the recovery may well be many months but even in such extreme cases the condition is NOT permanent.

Question: Does MR. Thomas suffer from Gluteal Tendinopathy? Answer: Of course NOT but he may well have in the past.

QUOTE: From the first hearing: "So Dr. [REDACTED] is gluteal tendinopathy just a guess?" Dr. [REDACTED] "yes".

An Ultrasound / MRI would be definitive.

Your's Faithfully.

Rustyn W Thomas.

[REDACTED]