



PLEASE NOTE: The facts in this matter refer to events which occurred in 2021 and 2022. Proceed on the basis that the matter is being heard on 27 October 2022. This device has been used to make the COVID-19 scenario convincing.

You can only rely on facts which are contained within this document, the section 37 documents or the documents filed in the course of proceedings.

John works for Patents Australia as a patent examiner. He is a virologist by training and specialises in reviewing applications for vaccine patents.

When the delta strain of COVID-19 arrived in Canberra public health orders required non-essential workers to stay at home.

Patents Australia arranged for the applicant to have access to a sit stand desk in the spare room of his house and provided him with a laptop and citrix dongle so he could continue to work remotely during lockdown.

When he was working from home the applicant would mostly work in the study but would occasionally do work at the dining table, but only during business hours.

On Friday 20 August, John's wife Abigail was contacted by ACT Health and told that she was a close contact of a COVID positive person at the supermarket three days before. She was told to get a COVID test immediately and not to leave the house except to take the test. On Saturday it was confirmed that Abigail had contracted COVID. John decided to get a COVID test the next day and it came back positive.

Abigail's symptoms were mild and she recovered quickly. John however felt very unwell, lost his sense of smell and taste and ended up bedridden for three weeks. He only had two weeks sick leave so he stopped getting paid at the start of the third week.

When he was recovered enough, he resumed working from home. In October when the ACT's vaccination rate reached 75% all public health restrictions were lifted. John decided not to get vaccinated because he didn't see the point. He was confident that he was immune to COVID having contracted it and he didn't want to take the risk of side-effects. However, Patents Australia said that it had a pro-vaccination policy and employees could not return to the workplace if they were not vaccinated.

John continued to work from home but began to get very depressed.

After six weeks at home after his vaccinated colleagues had resumed work, John decided that for the sake of his mental health he needed to be vaccinated. He found a GP who was still doing vaccinations and received one dose of the Pfizer vaccine. John went home feeling unwell and decided to go to bed.

After two days he decided he was well enough to resume work. He walked into his study and turned on his computer. While he was waiting for it to warm up he went out to the kitchen and put on the kettle. As he was waiting for the kettle to boil he felt a strong pain on the left side of his chest. He called an ambulance and was taken to hospital where it was discovered that he had myocarditis – a heart condition.

After a further four weeks of recovery he decided to make a number of claims for worker's compensation under the *Safety, Rehabilitation and Compensation Act 1988* (the Act). His claims were refused on the basis that there was not sufficient connection with work for the claims to be accepted.

John sought internal review. The second decision rejected his claim for COVID-19 on the basis that it was an ailment but not one which was significantly contributed to by his employment.

The claim for depression was also rejected. It was accepted it was an ailment but there was insufficient evidence that it was significantly contributed to by his employment.

The claim for myocarditis was rejected on the basis that the applicant's reaction to the vaccine was not understood so the delegate was neither satisfied that he suffered an ailment significantly contributed to by his employment, nor was there evidence that he suffered an injury as a result of the vaccine. Further, even if the applicant had suffered an injury in the form of heart inflammation, it wasn't suffered in the course of employment and did not arise out the employment.

The applicant applied to the AAT.

At the hearing, the Applicant gave evidence which confirmed the evidence contained in the T Documents and his statement. The Respondent cross-examined the Applicant. He conceded that his marriage was in trouble during and after lockdown but denied that it caused him to be depressed.