

ARMY SERVICE COMPLAINT (SC) CASE SUMMARY 4: MEDICAL

FINAL DECISION LETTER ISSUED 2019

DECISION BY DECISION BODY (DB)

Complaint

A Regular junior non-commissioned officer (JNCO) contacted the Service Complaints Ombudsman for the Armed Forces (SCOAF) to make a complaint. He alleged in 2 complaints:

1. unfair treatment following an admission to hospital,
2. his diagnosis of a chronic condition deemed incompatible with continued Service,
3. his subsequent management until discharge.

Both SC were considered admissible.

Investigation

The SC were investigated together although they were divided 3 sections re:

1. The lack of support offered by the unit to the complainant and his family;
2. bullying incidents;
3. inaccurate completion of medical documentation.

Decision and Findings

The DB rejected both SC stating that the JNCO had been supported by the unit. The DB did **Not Uphold** the SC, so no Redress was awarded.

Service Complaints Ombudsman for the Armed Forces (SCOAF)

Involvement: Yes

DETERMINATION BY APPEAL BODY

Appeal

Reason for Appeal

The complainant disagreed strongly with the DB's decision and highlighted a number of people who were not part of the investigation who should have been.

Investigation

Additional evidence was requested to supplement the DB's investigation and the SC was divided into 10 sections.

Appeal Body Determination

The Appeal Body **Upheld** 2 parts of the SC in that:

1. the family of the complainant should have been supported better when he was admitted to hospital,
2. his initial return to work and the management of his Graduated Return to Work (GRoW) programme were unsatisfactory.

Redress

The Appeal Body noted the complainant had been given a medical discharge with a Tier 1 award and lump sum paid on discharge as well as a preserved pension. The Appeal Body awarded an Apology to the JNCO for his poor treatment in recognition that more could have been done to inform the unit in order of his condition so that they could have understood his needs and managed his GRoW, better.

SCOAF Involvement: An application for investigation of maladministration or substance was **not** made.