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GEELONG MAN WINS EPIC INJURY CASE

A Geelong man who suffered serious arm injuries when a crane fell on him has finally won an epic legal fight which included taking his case all the way to the High Court.

In February this year the High Court sent his case back to the Victorian Court of Appeal which today ruled that Brett Dwyer has suffered a serious injury and is entitled to significant compensation.

Slater & Gordon lawyer Danny Connor says WorkCover's rejection of Mr Dwyer's claim was inexplicable.

"Eight years ago Brett suffered a terrible injury which means he wakes in pain every day and his right arm is permanently deformed, with a loss of strength and function. He gave up social activities including golf and motor cycle riding, and the injury affected relationships with his family.

"Despite this, earlier Courts ruled that this was not a serious injury, and for three years we have fought for justice, from Grovedale to the High Court and back.

"The court today effectively found that WorkCover discriminated against Brett because of his strength of character, his work ethic, and his ability to handle pain and try to get on with his life.

"Brett has been penalised for being a good bloke."

Justice Nettle, of the three-member Court of Appeal, said he suspected that WorkCover might not have disputed Mr Dwyer's claim but for the way he has been prepared to put up with pain and suffering, and get on with his business as best he can.

"But it would be unfortunate, and in my view wrongheaded, if in future such an applicant were treated less favourably than another who, being of less strength of character, simply resigned himself to his injury," His Honour said.

Mr Connor says he will now begin negotiations with WorkCover to finalise Mr Dwyer's compensation.

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