



Evidence of function – Lessons from the AAT

A recent case before the AAT – Susan Tennant and the NDIS – sheds light on the importance of using a functional assessment tool when requesting NDIS access.

You can [read the full description of the case](#) online; we have provided a summary below.

The case

Susan Tennant appealed to the AAT about her NDIS access not met decision.

Ms Tennant was diagnosed as suffering from Lyme Disease in the US in 1995 and continues to suffer numerous and severe symptoms following treatment of the condition.

Ms Tennant's doctor, Dr Pethen reported that the main impacts are fatigue, myoclonus (involuntary muscle spasms) and widespread pain. Dr Pethen reported that Ms Tennant needs help in relation to mobility and self-management; specifically, she needs subsidised private car transportation and help with domestic duties such as cleaning and laundry (note that these latter would fall more appropriately under the self-care domain).

The Tribunal highlighted that access to the NDIS 'is based on a functional, practical assessment of what a person can and cannot do', and pointed out therefore that 'a detailed, functional assessment is very important'.

The evidence presented about Ms Tennant's functional capacity was limited to Dr Pethen's report, and Dr Pethen's report was based on Ms Tennant's self-reporting about her limitations.

The Tribunal accepted that Ms Tennant has disability attributable to an impairment which is likely to be permanent. However, the Tribunal did not accept that the impairments result in substantially reduced capacity, stating that the evidence presented was insufficient. The Tribunal noted that a 'functional, practical assessment of what Ms Tennant can and cannot do is lacking'.

What can we learn from this case?

This case shows the important of providing good quality evidence of functional impact during access – not relying on GP evidence, or applicant self-reporting. In this case, a functional assessment undertaken by a support worker or allied health professional, perhaps contextualised by a support worker letter, would have been valuable evidence. This case also perhaps highlights the NDIS's reasoning in proposing to introduce independent assessments as part of the access process.

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