CBA Insurance - Money For Nothing

Summary:
When you pay for insurance you expect to get help when you need it. The CommInsure scandal has shown just how hard a bank will kick a person in their time of need. Imagine - bending over backwards to avoid paying out when people are at their weakest and most vulnerable - when they are sick or dying.

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CommInsure: Former Chief Medical Officer Benjamin Koh Sues For Wrongful Dismissal

The former chief medical officer of the Commonwealth Bank's insurance arm CommInsure has filed an unfair dismissal claim that includes explosive allegations of manipulation of medical reports, missing files and "artificial" declining of claims that should have been accepted.

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Dr Benjamin Koh alleges he **was sacked by the bank in August 2015 for being a whistleblowe**r.

The writ, filed in the Victorian County Court, alleges that Dr Koh informed independent CommInsure directors of an "improper state of affairs" going on inside the insurer in November 2014.

Two months later CommInsure began to investigate Dr Koh, alleging he forwarded confidential information to his personal email account.

Dr Koh, who joined the insurer in 2013 to run a team of about eight medical professionals providing clinical advice, went public in a joint media investigation by Fairfax Media and Four Corners after repeatedly and unsuccessfully trying to speak out as a whistleblower inside the company to its highest executives and the CommInsure board.

Dr Koh alleges in his statement of claim that he disclosed his concerns to key independent directors at CommInsure including the chairman Geoff Austin and Clive Aaron.

Dr Koh "disclosed" to the board "an improper state of affairs" at CommInsure, according to court documents.

His disclosures include "the alleged artificial declining of claims that should have been accepted" and "the alleged manipulation of medical reports to support CommInsure's claim strategy".

The board was also notified of the "alleged practice of requesting bank medical employees to alter medical reports or opinions" by Dr Koh, according to court documents.

Dr Koh also alleges he **was also asked to overrule colleagues' medical opinions without a sound medical basis for doing so.**

Dr Koh also disclosed his concerns regarding "the alleged practice of lawyers attending claimant's homes in the capacity of investigator without disclosing their status as a legal adviser to the bank".

Court documents show Dr Koh blew the whistle over medical records going missing and the refusal of Dr Koh's immediate manager to investigate Dr Koh's concerns about the missing medical records.

"Dr Koh considered that the substance of the disclosure conflicted with the bank's legal and regulatory obligations and exposed it to legal risk," Dr Koh's statement of claim read.

According to court documents, the board of CommInsure investigated the disclosures by Dr Koh in November 2014. The investigation was conducted by CommInsure's chief risk officer Rob Daly and Dr Koh participated in the investigation.

On January 30, 2015, the bank informed Dr Koh it was investigating "an allegation that Dr Koh forwarded confidential information from his bank email account to his personal email account".

Dr Koh was informed "if the allegation was substantiated it would constitute a breach of the banks' policies".

The bank's concerns were reiterated to Dr Koh by the managing director of CommInsure, Helen Troup, via a letter dated February 6.

By April 29, 2015, Dr Koh was informed he was also being investigated for being misleading and "demonstrated a lack of integrity in relation to specified matters".

According to court documents, Dr Koh responded to each of the allegations made against him by the bank in May 2015.

In July the bank claimed it had substantiated the allegations against Dr Koh.

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Dr Koh was dismissed from his employment by Ms Troup on August 11, 2015.

Dr Koh is seeking damages, alleging but for the dismissal he would have remained in employment with the bank for 12 years and would have also been eligible for a yearly short-term incentive as defined by his contract.

Lawyers for Dr Koh are seeking a jury trial. As the court documents have just been filed a date for the trial is yet to be set.

CBA said in a statement: "Commonwealth Bank encourages all employees to speak up if they see activities or behaviours that are fraudulent, illegal or inconsistent with our values. We provide a number of different safeguards to ensure that there are no negative consequences for raising concerns.

"We have thanked Dr Koh for raising concerns that led to the CMLA Board conducting a review.

"Dr Koh's employment was not terminated for raising concerns. It was terminated primarily for serious and repeated breaches of customers' privacy and trust involving highly sensitive personal, medical and financial information over a lengthy period of time.''

Websites For More Information: Part One - Heart Attack
http://www.smh.com.au/interactive/2016/comminsure-exposed/heart-attack/
Part Two - Mental Health
http://www.smh.com.au/interactive/2016/comminsure-exposed/mental-health/
Part Three - Terminal Illness
http://www.smh.com.au/interactive/2016/comminsure-exposed/terminal-illness/
CommInsure: Former Chief Medical Officer Benjamin Koh Sues For Wrongful Dismissal
http://www.smh.com.au/business/banking-and-finance/former-chief-medical-officer-sues-comminsure-for-wrongful-dismissal-20160309-gnelxz.html

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