



## **\$1.3 million secured after successful COVID-19 Vaccine Scheme review application**

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Many Australians who suffered injuries from a COVID-19 vaccination attempted to lodge applications for compensation themselves. The complexities of the Australian federal government's COVID-19 Vaccine Claims Scheme meant that many claimants who suffered from [eligible injuries](#) had inadequate compensation offers put to them. If you've received such an offer, it's important to investigate your options for a review.

### **Important note**

Although new applications for compensation under the COVID-19 Vaccine Claims Scheme closed on 30 September 2024, if you had already lodged your application before that date, and your offer of compensation is inadequate or your claim is rejected, you can still [seek a review of that decision](#).

## **Case review: our client's COVID-19 Vaccine Claims Scheme review application**

Our client Francis (a pseudonym) suffered vaccine harm in the form of pericarditis following the two Pfizer vaccines they received in 2021.

Pericarditis is the collection of fluid around the lining of the heart, known as the pericardium. They had multiple hospital admissions and were left with lifelong permanent cardiac complications.

Francis lodged their own application in March 2022 and, in September 2023, received a letter offering them less than \$20,000 in compensation for their vaccine injury. Whilst our client felt relief that the claim was accepted, they were bitterly disappointed that the amount did not truly reflect the vaccine harm's impact on their life.

## The review process

After careful consideration of the initial offer of \$20,000, our client felt that the offer fell significantly short of the compensation they were rightfully entitled to. Recognising this, they reached out to Guardian Injury Law for expert advice on an application to review the decision.

Individuals who disagree with the Scheme's initial decision have the right to seek a review of that decision.

### Strict time limits apply

Crucially, strict time limits are involved. In particular, you usually have six months to request a review, and there is only a 28-day window to provide further information once a review is requested.

If you're considering applying for a review of a decision you don't agree with, it's critical you seek experienced legal advice immediately.

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In Francis' case, they had already received an offer, meaning the timeframe to request a review was six months from the date of the offer. Acting swiftly, they contacted our team for advice and we immediately began a thorough assessment of their situation.

## Successful review application delivers \$1.3 million for our client

Guardian Injury Law lodged a robust review application on our client's behalf.

Once the application for review is submitted to the COVID-19 Vaccine Claims Scheme, a new assessor (i.e. an assessor who was not involved in the determination of the original compensation application) who is of a higher level in Services Australia was appointed to make a decision on the review application.

The assessor looked at the review application as if it were a fresh application and did not give consideration to the initial decision made in the claim. As such, the decision of the new assessor replaced the original decision, regardless of whether it resulted in a more favourable or less favourable outcome for the claim.

This fresh assessment, supported by the detailed evidence and expert advocacy of Guardian Injury Law, yielded a great result. The initial offer of \$20,000 was overturned, and our client received an offer of compensation in the amount of **\$1.3 million**.

This real-life case study demonstrates the significant difference expert legal representation can make in navigating the complexities of the COVID-19 Vaccine Claims Scheme review process. Our client, like many others, had initially underestimated the full scope of their entitlements and the crucial evidence required to support a comprehensive claim.

Given there is only **one right of review**, we ensured that compensation was maximised to provide a just outcome for the client.

## How Guardian Injury Law can add value to a review application

Our experienced lawyers meticulously reviewed the initial claim submitted by the client themselves and identified areas where losses had been underestimated or overlooked entirely.

After gathering thorough supporting evidence, our lawyers undertook a comprehensive review of the potential entitlements.

### Comprehensive calculation of past and future out-of-pocket expenses

We went beyond immediate costs, projecting future medical needs and related expenses often missed by self-represented claimants.

### Accurate assessment of lost wages

We meticulously calculated the full extent of their income loss, up to the scheme's weekly limit of \$5,211.30 per week.

### Thorough evaluation of gratuitous care services

We identified and quantified the significant unpaid care provided by family and friends, ensuring it met the Scheme's eligibility criteria.

### Consideration of potential paid attendant care and domestic assistance needs

We assessed whether their injury necessitated paid support at home and obtained evidence in support of this.

Due to Guardian Injury Law's experience with vaccine injuries and the COVID -19 Vaccine Claims Scheme, our lawyers were also aware of expenses that are not payable by the Scheme such as out-of-pocket expenses that are not related to the acknowledged injury (for example, medication you require that relates to a pre-existing injury and not the COVID-19 vaccine injury) and removed these from the initial claim.

**Have you received a decision from the COVID-19 Vaccine Claims Scheme that you believe is insufficient?**

Don't leave money on the table. It is imperative that you seek legal advice from Guardian Injury Law once your claim has been assessed by Services Australia to ensure you are maximising your compensation.

Remember, you have a limited time to request a review, which is usually 6 months from the date the original decision was provided. Don't delay in seeking expert guidance. Let our experienced team fight for the compensation you deserve.

Just like our client who saw their offer increase from \$20,000 to \$1.3 million, we can help you navigate the review process and strive for the best possible outcome for your claim.

## Contacting Guardian Injury Law

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