



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs J Wilkins

**Respondent:** Damian Ltd

**HELD AT:** Hull

**ON:** 21 May 2018

**BEFORE:** Employment Judge Shulman

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Mr M Howson

# JUDGMENT

The claims of disability arising from discrimination and failing to make reasonable adjustments (two claims) are hereby dismissed upon withdrawal by the Claimant.

# REASONS

1. The hearing commenced at 10.30am and almost immediately the Tribunal determined to read the evidence which it was asked to do by the parties. This comprised the Claimant's GP records, the Claimant's impact statement and the report of an expert, Dr M S Alexander.
2. The sole purpose of the hearing was to consider whether the Claimant was at the material time a disabled person as defined by the Equality Act 2010.
3. Having read the documentation the Tribunal heard evidence from the Claimant, who was a truthful and reliable witness. At the end of the Claimant's evidence it was clear that the independent expert evidence of Dr Alexander was the only evidence before the Tribunal, apart from the evidence of the Claimant, which was available to consider not whether the Claimant was disabled but whether she was

disabled within the meaning of the Equality Act. The Claimant herself, although she made some points about the content of Dr Alexander's report, made it clear that she did not challenge it.

4. The Tribunal was therefore in the position where it had a clear recommendation by Dr Alexander that the Claimant was not disabled within the meaning of the Equality Act 2010 and no such other evidence.
5. The Tribunal explained to the Claimant the likely effect of Dr Alexander's evidence and asked that she together with her husband, who was present throughout, consider whether or not to pursue the assertion that she was indeed disabled within the meaning of the Equality Act and they were asked to consider and discuss this over the luncheon interval.
6. They did so and they came back and the Claimant decided to withdraw all three disability claims.

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Employment Judge Shulman

Date 30/05/2018

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