



EMPLOYMENT TRIBUNALS

Claimant: Mr T Duncan

Respondent: Clearance and Clean Up Ltd

Heard at: Leeds **On:** 3 February 2023

Before: Employment Judge Shepherd

Members: Ms L Fawcett
Mr G Corbett

Appearances

For the Claimant: In person
For the Respondent: Mr Bourke HR Consultant

JUDGMENT ON REMEDY

The unanimous judgment of the Tribunal is that the respondent is ordered to pay the claimant the sum of £5,000 plus interest of £394.50 making a total to be paid of £5394.50.

REASONS

1. The claimant represented himself and the respondent was represented by Mr Bourke.
2. The judgment on liability was sent to the parties on 28 November 2022. The respondent requested written reasons on 6 December 2022 and these were provided on 29 December 2022.
3. The Tribunal heard evidence from Tyron Duncan, the claimant.
4. The Tribunal received written submissions from both the claimant and the respondent. They were given the opportunity to provide further oral submissions but neither wish to do so.

5. This was an act of discrimination because of something arising from the consequence of the claimant's disability, his dismissal.
6. The claimant had a serious medical condition which affected his eyesight and which the Tribunal heard evidence was caused by stress.
7. This was a difficult case to consider. There was no medical evidence to show what level of stress and anxiety was caused by the dismissal and what was caused by the claimant's pre-existing medical condition.
8. The claimant described how he was upset at losing a job he loved and he suffered sleepless nights.
9. The claimant claims no loss of earnings. The benefits he received have made up for any lost wages. However, there was a period of uncertainty before his benefits were awarded.
10. The fact that he suffered no loss of earnings and he was suffering from considerable stress as a result of his pre-existing medical condition does have an effect on the injury to feelings arising from the discrimination but it was still significant.
11. The Tribunal finds it just and equitable to award the sum of £5,000 plus interest at 8% over 360 days £394.50.
12. The total award is £5,394.50.

Employment Judge Shepherd

Date: 3 February 2023