



VCD

EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Dr Fakhry El Hussein (Deceased, V
Represented by Mrs El-Huseini, Hanada
Abdelfattah)

University Hospitals Coventry &
Warwickshire NHS Trust

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Birmingham by CVP

ON 13 & 14 March 2023

EMPLOYMENT JUDGE Dean

Representation

For the Claimant: Mrs El Huseini, accompanied by Mr D Melville retired solicitor

For the Respondent: Mr T Sheppard, of counsel

JUDGMENT

The judgment of the Tribunal is:

1. The Judgment of Employment Judge Broughton dated 2 August 2016 and the reconsideration decision of 6 November 2016 are judicial decisions which determined the claimant's complaints of disability discrimination presented on 20 March 2016 within case number 1300499/2016 which were struck out. The claimant's present complaints of unlawful discrimination because of the protected characteristic of disability arising on or before 20 March 2016, as are detailed in list the issues which potentially fell to be determined by the tribunal at (viii) a – ff and hh [172-173] being direct discrimination in breach of s13 Equality Act 2010 and (xii) a. to r. unfavourable treatment because of something arising in consequence of his disability in breach of s15 of the Equality Act 2010 are determined to be res judicata having been are struck out.

2. As a result of the decisions of EJ Broughton dated 2 August 2016 and the reconsideration decision of 6 November 2016 are judicial decisions which determined that the claimant's complaints of unlawful deduction from wages and in respect of protected disclosure detriment have been determined and those complaints arising on or before 20 March 2016 are res judicata the complaints having been struck out.
3. The claimant's application to amend the complaints contained within the complaints in claim number 1300011/2018 succeeds to the extent as identified by Employment Judge Harding in her case management order signed on 5 February 2019 at para 8.4 and 8.6 and by Employment Judge Miller in his case management order signed on 6 March 2020 as detailed at the Issues:
 - a. (viii) gg and ii – oo and (ix) and (x) are identified as acts of direct discrimination;
 - b. (xi) and the unfavourable treatment at (xii) s and (xiii) and (xiv) being acts identified as discrimination arising from disability.
4. The respondent's application to strike out the claim under Rule 37(1) of the Employment Tribunal Rules 2013 does not succeed.

Employment Judge Dean
15 March 2023

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.