



EMPLOYMENT TRIBUNALS

Claimant: Mr N A Santos-Davila

Respondent: St Mungo Community Housing Association

Heard at: Watford (by CVP)

On: 17 May 2023

Before: Employment Judge Eeley

Representation

Claimant: Ms Shand, advocate

Respondent: Mr D Brown, counsel

JUDGMENT

1. The claimant presented his claim of unfair dismissal outside the primary limitation period. It was reasonably practicable for him to comply with the time limit. The test at section 111(2)(b) Employment Rights Act 1996 was not satisfied and so the Tribunal does not extend time to hear the claim. The claim of unfair dismissal is therefore dismissed for lack of jurisdiction.
2. The claimant presented his claim of disability discrimination outside the primary limitation period. The Tribunal is satisfied that it is just and equitable to extend time to hear this claim. The test at section 123(1)(b) Equality Act 2010 is met and so the claims of disability discrimination will proceed to a final hearing.
3. The respondent concedes that the claimant was disabled by reason of depression during the relevant period.
4. The Tribunal finds that the claimant satisfied the definition of disability in section 6 of the Equality Act 2010 by reason of his impairments of anxiety and depression.
5. The Tribunal is not satisfied that the claimant was disabled by reason of Avoidance Personality Disorder, Autistic Spectrum Disorder, PTSD,

Borderline Personality Disorder, Dependent Personality Disorder or Obsessive Compulsive Personality Disorder. These impairments cannot be relied upon by the claimant for the purposes of his discrimination claim.

Employment Judge Eeley

Date: 17 May 2023

JUDGMENT SENT TO THE PARTIES ON

21 May 2023

GDJ
FOR THE TRIBUNAL OFFICE

Notes

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.

Public access to employment tribunal decisions

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