



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Ms C Palin-Stokes**

**v**

**Minor Weir & Willis Limited**

**Heard at:** Birmingham by video

**On:** 19 to 22 February 2024

**Before:** Employment Judge Robin Broughton  
Ms N Gill  
Ms S Outwin

**Appearances:**

For Claimant: in person

Respondent: Ms Ferrario, counsel

## RECONSIDERATION DECISION

The Claimant's application for reconsideration was only passed to EJ Broughton at the end of May 2024.

The application is refused as there is no reasonable prospect of the original decision being varied or revoked.

Summary reasons on a few points are, nonetheless, provided, in the numerical order of the paragraphs in the application, in the hope that they assist the Claimant:

1. When going through the issues at the start of the hearing, the Claimant said that she disagreed with the issues produced at the preliminary hearing by EJ Harding. Upon investigation, it turned out that the claimant had made an application following that hearing, but there was nothing to indicate whether it had been pursued, heard or determined at the subsequent preliminary hearing before EJ J Jones. This was regrettable, but, as a result, we agreed to hear the application at the outset of the final hearing.

2. On the medical questionnaire that was before us, the Claimant had only disclosed migraines, which she said were well controlled by medication. She had expressly ticked no to anxiety, disability and other health problems. However, it was the Claimant's oral evidence that she disputed the document and had done so previously.

That said, the word "anxiety" was not mentioned anywhere else in the contemporaneous documents. In addition, the respondent first referenced the non-disclosure of any disability in their ET3. The Claimant's initial response to that document did not dispute the failure to disclose disability. Rather, she said (pg 42) that she had disclosed her medication, which was consistent with the form produced. Whilst the medication could be prescribed for migraines and / or anxiety, as claimed, the form only referenced the former. It was implausible that the form had been altered in the way claimed, not least because it was outsourced and not within the respondent's control.

The issue was whether the respondent had knowledge of the Claimant's anxiety and we were satisfied that she had not, at any stage, disclosed such a diagnosis.

3. It was not in dispute that the claimant was disabled by virtue of anxiety at the relevant time. There were, however, no relevant entries in her GP records whilst employed by the respondent. Nonetheless, we were aware of her incredibly challenging personal circumstances, including the courts denying her contact with her son, and the therapy arising therefrom.

7. The Claimant's narrative did change, despite using the same base document for her appeal, claim and witness statement. For example, in her internal appeal document she said that she was happy after the intervention of Raj Gill in December 2021, but this was removed from her witness statement.

13. This is not new evidence, it was already before us (pg 130) and only shows the claimant emailing herself, not Mr Hughes. We preferred the evidence of Mr Hughes, which was consistent with the documents, in relation to what the claimant said at the time.

14. The Claimant's reference to Mr Burman smashing things around his office under oath does not accord with what happened. Whilst unreliable as a witness, Mr Burman was calm and often demonstrated concern for the claimant, such as when she gave inconsistent and misleading reasons for her unnotified absence on 23 December 2021.

15. The Claimant's witness statement had removed reference to feeling happier at work after speaking to Mr Gill from her appeal document and replaced it with claims about increased workload.

Generally, the Claimant was given considerable latitude as a lay person and we took regular breaks, including prior to submissions.

She was combative throughout, including on receipt of our oral decision. We wanted to give her time to reflect on our findings, not least those in relation to her credibility, so that she had the option of leaving this unfortunate episode, when she was going through difficult personal circumstances, behind her. We were aware of how narratives can evolve over time without those responsible necessarily being disingenuous.

In that regard, many of the Claimant's criticisms of the respondent were valid but, on the case before us, the respondent had no knowledge of disability, nor was there the protected act relied on, so the claims had to fail.

Employment Judge Broughton

Date: 10 June 2024