



EMPLOYMENT TRIBUNALS

Claimant: Mr Mohammed Shoaib

Respondent: Homeserve Membership Ltd

Heard at: Birmingham **On:** Friday 3 November 2017

Before: Judge Butler

Representation

Claimant: Mr J Wallace - Counsel

Respondent: Mr M McDonald - Solicitor

JUDGMENT

The Judgment of the tribunal is that the claimant is not dismissed within the meaning of Section 6 of the Equality Act 2010 and the claim of disability discrimination is dismissed.

REASONS

1. The Preliminary Hearing on 3 November 2017 was listed to determine whether the claimant was dismissed within the meaning of section 6 of the Equity Act 2010. His claim was that he suffered from a mental impairment, namely, stress and anxiety and depression, which had a substantial adverse effect on his ability to carry out normal day to day activities.
2. The claimants' evidence was that his GP and other medical professionals had said that the headaches he suffered were linked to his stress and anxiety.
3. The medical evidence produced in the bundle consisted largely of his GP's records, a brief report from the respondent's occupational health appointed and a cognitive behavioral therapist.
4. These records werefully inadequate and did not support the claimant's assertion that his headaches were due to stress and anxiety. Indeed, the only reference to such a link is at page 57 of the bundle where the therapist records that the claimant's said his GP was of the view that the stress and anxiety were linked.

5. I heard that claimants' oral evidence on the question of this link. He repeated that his GP had confirmed it but this is not supported by entries in his medical records.
6. What is supported in those records and in his evidence is that fact that his relatively brief periods of stress for which he reviewed relatively short term medication, were linked to his personal life events principally related to issues with his family deaths and illnesses.
7. The issue is whether his stress and anxiety is an underlying medical condition likely to recur or a reaction to the life events referred to above.
8. I considered the decisions in *JV. DLA Piper* 2010 IRLR936 and *Herry v Dudley MBC* UKEAT/0101/16/LA. I find on the evidence before me that the claimant's stress and anxiety was caused a reaction to life events and lasted for relatively such periods after which there were no further issues for some time and the claimant was wholly symptom free. I do not find on the evidence that he suffered from recurrent symptomatic episodes interspersed with symptom-free periods.
9. For the above reasons the disability discrimination claim is dismissed.

Employment Judge Butler
8 January 2018