



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mrs K Tomlinson

AND

Respondent
Birmingham City Council

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Birmingham **ON** 28, 29 and 30 January 2019

EMPLOYMENT JUDGE Dimbylow

MEMBERS Mr D McIntosh
Mrs MJ Howard

Representation

For the claimant: In person

For the respondent: Ms E Hodgetts, Counsel

JUDGMENT

The unanimous judgment of the tribunal is that:

1. The claimant was fairly dismissed by reason of capability. Therefore, her claim for unfair dismissal is not well-founded, fails and is dismissed.
2. The claimant's claim for disability related harassment contrary to section 26 of the Equality Act 2010 ("the EqA") was presented out of time. It is not just and equitable to extend the time. Therefore, the tribunal has no jurisdiction to hear this claim and it is dismissed.
3. The claimant's claim for discrimination arising from disability contrary to section 15 of the EqA is not well-founded, fails and is dismissed.
4. The claimant's claim for disability discrimination because of the respondent's failure to make reasonable adjustments contrary to sections 20 and 21 of the EqA is not well-founded, fails and is dismissed.

Employment Judge Dimbylow
11 January 2019

Note: Reasons for the judgement having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.