



EMPLOYMENT TRIBUNALS

Claimant: Ms B Oltean

Respondents: Cambridgeshire and Peterborough NHS Trust

Heard at: Cambridge

On: 18 March 2024

Before: Employment Judge Tynan (sitting alone)

Appearances

For the Claimant: Did not attend and was not represented

For the Respondent: Ms A Beech, Counsel

PRELIMINARY HEARING IN PUBLIC JUDGMENT

The Claimant's claim is struck out pursuant to Rule 37(1)(a) of the Employment Tribunal Rules of Procedure 2013 because it has no reasonable prospect of success.

REASONS

- (1) At a previous hearing on 22 January 2024, I directed that there should be a further preliminary hearing in public to consider striking out the claim. In the record of that hearing I noted that I had endeavoured to clarify the Claimant's claims with her but that she had been unable to provide a coherent narrative account of what she was alleging had happened to her or to identify the specific acts or omissions that allegedly amounted to constructive dismissal, unlawful discrimination or detrimental treatment of her as a whistleblower. I also noted that the Claimant was initially confused as to the date of the hearing and that in the course of the hearing she disclosed that she has mental health issues which had resulted in her being detained last year under the Mental Health Act.
- (2) From comments made by the Claimant in the course of the hearing on 22 January 2024, and from the confusing way in which sought to explain the basis for her claim, I observed that it is possible that her perception that she has been bullied and harassed is a symptom of her mental health issues, which seem to be impacting upon various other areas of her life. It was difficult for me to see how the Respondents could sensibly respond to the claim since the factual and legal

basis for any complaints was unclear. I gave thought on 22 January 2024 to whether I should invite the parties' representations then and there as to whether the claim should be struck out under Rule 37 of the Tribunals Rules of Procedure 2013, on the basis that it seemed likely to me the claim was rooted in the Claimant's distorted perception of events rather than in any acts or omissions of the Respondent. However, I decided on balance that I should consider the issue at a further hearing.

- (3) Rule 37(1)(a) of the Employment Tribunals Rules of Procedure 2013 provides:

37.—(1) At any stage of the proceedings, either on its own initiative or on the application of a party, a Tribunal may strike out all or part of a claim or response on any of the following grounds—

(a) that it is scandalous or vexatious or has no reasonable prospect of success;

- (4) The Claimant did not attend today's hearing. However, she was at the hearing on 22 January 2024, so has been on notice for some weeks that there would be a further hearing today. Moreover, as I shall come back to shortly, she has sent me quite a number of emails since the last hearing and these evidence that she is fully aware of this hearing. At my direction, my clerk made contact with the Claimant by phone shortly after 10am. The Claimant said that she had been sick that morning but that she would join the hearing. When she did not join the hearing after a few minutes, I directed that further enquiries should be made of the Claimant and, through an abundance of caution, that the CVP link to join the hearing should be reissued to her. When contacted again, the Claimant did not report any technical issues. She still did not join the hearing. When the clerk attempted to contact the Claimant again a third time, her phone number was stated to be unavailable.
- (5) At 10.45am I decided to commence the hearing without the Claimant. I considered whether to deal with the matter under Rule 47 but decided against this. I weighed up whether I should consider strike out under Rule 37 or instead postpone the hearing. I decided to proceed in the Claimant's absence as I was satisfied that she had been notified of the hearing but had failed to attend without good reason. Moreover, and more pertinently, I have the benefit of the Claimant's extensive written representations. Given my interactions with the Claimant on 22 January 2024 and her various emails, I think it highly unlikely that anything the Claimant might have said today had she attended the hearing would add anything further in terms of what she has previously said and written, or bring any further clarity in terms of her claims against the Respondent.
- (6) It is worth noting how it is that the Claimant came to be in direct contact with me. I emailed the Claimant directly on 22 January 2024 when she did not initially attend the hearing (the mobile phone number she had provided was unavailable and there was no clerk readily on hand to make enquiries of the Claimant). In the week following the hearing I received 9 emails from the Claimant. On 29 January 2024 I asked the Claimant not to write to me directly but to address any further correspondence instead to the Administration in Watford. Since then I have received 13 or so emails from the Claimant. A number of them are quite

lengthy; few, if any, of them are necessarily intelligible. Some have been addressed to both myself and the Respondent's solicitor, though have not always in fact been sent to the latter. Some of the emails have been copied to the Metropolitan Police. None of the emails bring any further clarity in terms of the complaints sought to be pursued by the Claimant. She makes broad allegations of wrongdoing on the part of the Respondent and others and asserts that her legal rights have been contravened, often without distinguishing between the various organisations or individuals referred to, and rarely, if ever, with specific details to support what she is saying. With each successive email the picture has become more confused, to the extent that I cannot realistically produce a coherent summary of the Claimant's concerns except to note that they apparently relate to her housing situation, her detention under the Mental Health Act, the adequacy of the care she received whilst detained, a personal relationship, her employment with the Respondent and her admission to a Clinical Psychology doctorate programme at Kings College London.

- (7) One of the Claimant's shorter emails illustrates the point. On 10 March 2024 she wrote:

"I would like to made an additional request for information to be included in the documents that would be addressed at the court hearing.

In the Employment Tribunal Form, I have added a name I am claiming from in relation to being wronged as part of the criminal activity that has led to constructive dismissal impacting on career progression. I'd like to request Watford Tribunal to acknowledge that I have suffered in relation to an unlawful false claim of detriment to character in ways I find difficult to express. All I could say with certainty is that I have been coerced for a significant period of time in relation to Ella Vincent Goodman, already mentioned in the Employment Tribunal Form dated January 2023, and in relation to Richard Fish, undisclosed to the employment tribunal until now, disclosed in a report of harrasment to Cambridgeshire Constabulary due to having been significantly affected by ways of emotional coercion in relation to sense of personal identity since November 2023."

- (8) The previous week, the Claimant had copied me into an email she sent to the Metropolitan Police on or around 3 March 2024 in which she outlined alleged crimes within the workplace of which she was the alleged victim. She wrote:

"1. Victim of identity theft (fraud) within the context of a constructive dismissal based on discrimination related to my nationality, as Romanian whilst acquiring British nationality, religion, marital status, having been bullied into resigning. The identity theft preceded a period of Covid 19 when I have been receiving improper treatment in the NHS. The hate crimes I have been subjected to have led to significant damage personally, professionally, and financially. I have reported most crimes to Cambridgeshire Constabulary during the years starting with 2019.

As with her email of 10 March 2024, the allegation is essentially impossible to understand.

- (9) The Claimant evidently has significant mental health issues. She has been detained at least once under the Mental Health Act and earlier this year (or possibly at the end of last year) she was recommended by health professionals in Germany to have in-patient psychiatric treatment. Her various emails evidence to me that her perception of events does not accord with the objective reality. For example, she sent me a copy of an email she had sent to a law firm or advice centre on 23 December 2023 seeking legal assistance or representation, in which she wrote:

"I have the suspicion that due to being delayed legal representation in England I, representing Familia Oltean, have been accused falsely in a case of whistleblowing miscarriage of Justice. Victima Bianca Petronela Oltean is in political asylum abroad until proper official arrangements are in place for a safe return to home country England, United Kingdom. I have been staying in hostels accommodation waiting réponse from local services whilst on medical sick leave. Due to financial and emotional coercion, I have been having difficulties making progress health wise. I am at risk at the moment as I have an appointment incoming in January 2023, and I do not feel ready to return to work. I also have a court hearing incoming where I require representation. Officially in medical sick leave afraid to return to England due to an incident of harrassment in the taxi that drove me to the airport Heathrow London Wednesday 20th December 2023.

As things stand, I am known in London. The criminal investigations are with PCs Ivan Herrera Fernandez, William McDonald. I believe the case is complex enough to grant financial assistance for legal representation should you wish to take me on as a claimant.

- (10) On 24 January 2024 the Claimant stated in an email to me that she had suffered from an episode of depression with severe inertia and psychotic symptoms. She went on to say that she had commenced medical sick leave "as a result of experiencing Borderline Personality Disorder symptoms as a result of sexual harassment". It is unlikely that her borderline personality disorder ("BPD") was triggered by any alleged sexual harassment in the workplace since the causes are usually genetic and/or rooted in childhood trauma. In a further email to me dated 29 February 2024, the Claimant wrote, "I am as seriously distressed at present as I write to you as needing to call crisis team almost every day in order to have peace of mind." Emotional disturbance, or affective dysregulation, is a common symptom of BPD, as are cognitive or perceptual distortions. Similarly, confused and disturbed thoughts are common symptoms of psychosis. From her various emails, I believe it may reasonably be inferred that the Claimant is experiencing such symptoms. Whereas the Claimant believes that the Respondent's treatment of her has caused her to become ill, I think her deep rooted mental health issues, which she states have been ongoing since at least 2019, are causing her to experience dysregulated emotions and perceptual

distortions which in turn are affecting her perception of how she has been treated by the Respondent and others.

- (11) In my judgement, there is no realistic likelihood of the Claimant bringing any further clarity to bear in terms of her claim, which I regard as hopeless, without any foundation and bound to fail. I shall therefore strike out her claim on the grounds that it has no reasonable prospect of success.

Employment Judge Tynan

Date signed: 20 March 2024

Sent to the parties on:

09/04/2024

For the Tribunal: