

GROUNDS OF APPEAL (pending appeal submitted in May 2019)

INTRODUCTION

Knowing that, and having received copies of, two appeals submitted to the EAT on 8 November and 19 December 2018 questioning the legality and the non-compliance with primary EU law, fundamental rights and general principles of EU law of E. J. Camp's preliminary hearing of 8 August 2018 as well as E. J. Camp's wrongful decisions to strike out my entire whistleblowing claim, 'prune' significantly my complaints of continuing victimisation in order to be able to effect the removal of the individual Respondents without my consent, that is, Warwick University's Vice Chancellor, Professor Croft, and the other two individual respondents who victimised me for a significant period of time, subjected me to a continuing pattern of false allegations, unlawful disciplinary hearings for 8 months, suspended me for 4 entire months unreasonably and contrary to the law, the ACAS guidelines and the internal procedures of the University, caused me two psychiatric injuries and immense professional and reputational damage and have infringed my fundamental rights under the ECHR and the EUCFR, including the absolute right to human dignity (Article 1 EUCFR), for a very long period of time;

Having received my application for a stay in proceedings pending the determination of the issues raised by the two weighty appeals by the EAT on 20 December 2018 and having failed to respond to it and to address its legal grounds (- a consistent pattern at Birmingham Employment Tribunal; please let me reiterate that this is not a case of an unreasonable delay in responding. It is a case of the ET not responding at all and disregarding my applications when it has a statutory duty to do so);

Having received on 10 February 2019 my written objections to Mr Browne's application for an unless order of 31 January 2019 arguing that it was not only misconceived but also invited the Tribunal to commit a flagrant denial of justice in breach of natural justice, Articles 6(1) and 13 ECHR, Article 20 and 47 EUCFR, case law at the CJEU and ECtHR as well as domestic legal authorities;

Having failed to respond to it and to address the potential breach of superior rules of law relating to fundamental rights and the obligations of courts and tribunals under EU law;

Having received my application of 9 March 2019 for E. J. Monk's Unless Order to be set aside because it falsely asserted on 4 March 2019 that 'the fact she is intending to appeal given the history of such applications to date is not sufficient reason to delay' (- she had received copies of the appeal in December 2018) and had not taken into account my submissions about the requirements of the ECHR, EU primary law, the principles of effectiveness of EU law and the direct effect of Article 47 EUCFR which obligates Tribunals to refrain from reducing the right to a judicial remedy to a meaningless exercise;

Having failed to respond to it and to address its legal grounds;

Having been informed by me on 24 March 2018 that the EAT had issued an Order for a Preliminary Hearing to consider crucial legal errors in E. J. Camp's Decisions;

Regional Employment Judge Monk dismissed my claim on 3 April 2019 (- 21 months following its submission at Birmingham Employment Tribunal and without any substantive hearing during this period). The dismissal completed the strategy of dismembering the case, frustrating the Claimant by denying all her applications since September 2017, not responding to crucial submissions and applications, disregarding the principles of EU law, natural justice and fundamental rights which must always be observed and of preventing the case of continuing victimisation and detrimental treatment from being heard which E. J. Dimbylow had initiated in November 2017.

NUMBERED GROUNDS OF APPEAL

- 1. Displayed perversity and bias by dismissing my claim on 3 April 2019 knowing that crucial appeals at the EAT had been lodged on 8 November 2018 and 19 December 2018 against the decisions of E. J. Camp which had been given in proceedings where the principles of natural justice had not been observed and where there had been errors of law, including breaches of primary EU law and fundamental rights, and while a preliminary hearing had been ordered by E. J. Auerbach at the EAT, the outcome of which would have a significant impact on the case.**
- 2. Knowing that E. J. Camp's directions for the progression of the case at Birmingham were unlawful (- I was not even allowed to submit my extensive documentary evidence prior to November 2016 because E. J. Camp wished to exclude the raising of all issues relating to my protected disclosures and protected acts associated with my suspension, the disciplinary hearing and the attempted disciplinary procedures by the three individual Respondents), as well as that any progression of the case at the ET would face issues of enforceability before a final decision had been reached at the appellate level, the ET's decision did not meet the requirements of natural justice, Articles 6(1) and 13 ECHR and Articles 20 and 47 EUCFR;**
- 3. Breached the overriding objective (Rule 2 of the Employment Tribunal Regulations 2013) is 'to enable Tribunals to deal with cases fairly and justly', case law, EU law and international human rights law by failing to reply to crucial applications I had made (these are mentioned above), to examine my submissions impartially and with due diligence in accordance with EU law and the case law and by dismissing my claim. This failure to consider my submissions and to provide a reasoned response to them, despite its distinct obligations by law to do so, and the dismissal of the claim infringed my right to a fair hearing within the meaning of the ECHR and the EUCFR and EU Treaty law.**
- 4. Elevated judicial discretion above the HRA 1998, the EU Charter of Fundamental Rights, natural justice, the general principles of EU law and EU Treaty law thereby disregarding the legal limits in the exercising of judicial discretion;**
- 5. Disregarded that a risk of breach of the second paragraph of Article 47 EUCFR is capable of giving rise to an obligation to postpone according to case law and the precedent and the relevant criteria stipulated by courts in deciding applications for stay in proceedings (i.e., the risk of injustice, some form of irreparable harm if no stay is granted; the stifling of the appeal if stay is refused, the risks for the respondent which are counterbalanced by the risks for the appellant if a stay is refused and so on);**

6. **Infringed the duty to provide reasons, including the legal obligation to address EU law based grounds pleaded by the claimant, and the duty to provide information about the right, and process of, appeal (i.e., did not state from which judicial body a remedy could be sought and the time limit for seeking it);**
7. **Given that Tribunals have to act constitutionally and to affirm and promote the values of the EU (Article 2 TEU in conjunction with Article 4(3) TEU), including the principle of equality, rule of law and fundamental rights, the ET's decision to dismiss my case failed to respect and protect those values (and the highest fundamental rights protection standard) and to ensure the effectiveness of EU law and the effective protection of fundamental rights conferred on EU citizens.**

ORDER SOUGHT

I seek an order allowing the appeal and overturning E. J. Monk's decision to dismiss my claim. Something very serious has been done in the course of the proceedings at Birmingham Employment Tribunal during the past 21 months that has resulted in my unfair and differential treatment, the contravention of natural justice and the fair hearing requirements and has created much more than a suspicion that there has been an improper interference with the course of justice.

I have discussed with Mr Newton the inclusion of this appeal in the forthcoming joint PH and 3(10) hearing. He confirmed that the allotted time would permit this.