
Claimant alleged that hernia was due to accident at work. He did not report the occurrence, nor did he complain to any fellow workman, and continued at work for a week without saying anything about the accident. Nobody except the claimant was able to throw any direct light on the matter. General principles laid down for dealing with uncorroborated statements. Claim allowed.

1. My decision is that the claimant sustained an industrial accident on the 14th March, 1950 whereby he suffered a right inguinal hernia.

2. The claimant claimed industrial injury benefit in respect of a hernia which he alleged that he sustained at about 11 a.m. on the 14th March, 1950 while lifting a large board on to a table in the course of his employment. He said that he felt a strain at the time and a lump in his right groin, but that he did not realise the significance of these things and so did not report the occurrence as an accident. Nor did he complain to any fellow workman. In fact, if his story is correct, he felt so little inconvenience that he continued at work for a week without saying anything about this accident. On the 21st March, 1950 he saw his doctor, who certified him incapable of work owing to

a right inguinal hernia. He was off work for two weeks, and then returned with a truss. The employers knew nothing whatever about the alleged accident, and nobody except the claimant himself was able to throw any direct light on the matter. No corroborative evidence was available.

3. On the 20th April, 1950 an examining officer who saw the claimant on behalf of the Divisional Medical Officer of the Ministry of Health reported that the medical evidence suggested that the incapacity " was likely to have been the result of the injury as described " by the claimant. The only significance of this report is that it shows that there was nothing inherently absurd or suspicious in the claimant's story from a medical point of view.

4. In these circumstances one has to consider what is the right method of approaching the question whether the accident happened as alleged by the claimant.

5. The local Insurance Officer having decided that there had not been an industrial accident, the claimant appealed to the Local Appeal Tribunal, and the Tribunal by a majority disallowed the appeal on the following grounds :—
" Claimant is suffering from right inguinal hernia. He says he first felt it when lifting a large tray in the course of his work, but he did not report it and continued working for a week. There is no evidence corroborating his statement."

6. The burden of proving that the hernia resulted from an accident arising out of and in the course of his employment rested on the claimant. He was not, however, bound to prove this beyond all reasonable doubt ; he was entitled to the decision if upon considering the evidence as a whole the Tribunal were of opinion that the balance of probability was in favour of the conclusion that the hernia did result from such an accident.

7. The Tribunal may reach this conclusion even though the only evidence is that of the claimant himself ; there is no rule of English law that corroboration of the claimant's own evidence is necessary. In some cases a Tribunal may rightly think that they cannot act on the claimant's uncorroborated evidence either because it is self-contradictory or inherently improbable or because the claimant's demeanour does not inspire confidence in his truthfulness. (It is seldom safe to reject evidence solely for this last reason and in the present case there is no criticism of the claimant's demeanour ; indeed it appears that the Tribunal did not hear evidence from the claimant himself, for they only record a statement by a representative of his association.) There was nothing self-contradictory about the claimant's statements and there was uncontradicted medical evidence that the hernia was likely to have happened in the manner stated by the claimant : nor was there any positive evidence that it happened in any other way. The Tribunal ought therefore to have accepted the claimant's explanation of the cause of the injury unless there was some circumstance which rendered it inherently improbable. The only matters which might be said to render the claimant's statement improbable are (1) the claimant's failure to report the accident , (2) his failure to mention it to any workmate ; and (3) his remaining at work for a week.

8. In my opinion these facts do not justify rejection of the claimant's story as inherently improbable. As to (1) the claimant says that he felt a

strain and a lump in his groin but did not appreciate the significance of the accident at the time. So far as appears this was the first time the claimant had suffered from hernia.

9. As to (2) the claimant was working with strangers and in any case in my opinion little significance could be attached to this omission. As to (3) the examining medical officer records this fact and yet was of opinion that the incapacity was likely to have been the result of the injury described, and it has not so far as I know been suggested that the claimant is wrong in describing its immediate effect as "negligible and insufficient to cause alarm."

10 I allow the claimant's appeal.
