

Man who grossly exaggerated injuries to claim Walsall Council cash sentenced for dishonesty in contempt proceedings

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14 February 2020

Walsall Council and Browne Jacobson have successfully prosecuted a man who falsely claimed significant compensation following an injury when falling in a pothole. Nicholas McDaid grossly exaggerated his injuries in a personal injury claim that could have cost Walsall Council over £200,000 in damages and legal costs.

Walsall Council took the step to prosecute Nicholas McDaid of Bloxwich as a result of his dishonest and exaggerated presentation of the claim.

Following a hearing in the High Court before Her Honour Judge Stacey in Birmingham McDaid narrowly escaped an immediate custodial sentence. McDaid fully admitted his guilt before the court and the Judge sentenced him to 2 months in prison suspended for 12 months for contempt of court. He was also ordered to pay Walsall Council's prosecution costs.

Thirty-five year old McDaid had originally brought a claim against the council in 2013 when he alleged that he had suffered a serious ankle injury caused by a pothole trip whilst walking his dogs. He also claimed that the ligament and soft tissue damage to his ankle was so severe he was unable to work.

However, following investigations by the council and its Lawyers Browne Jacobson LLP evidence surfaced of him engaged in extreme sporting activities during the time when he claimed to have been unable to do so. Pictures and evidence were provided to the Court which showed him competing in 'Iron Man' triathlons, full and half marathons, cycling challenges and scoring tries for his local Rugby Club which highlighted his dishonesty. Some of these athletic activities were uploaded to a personal fitness app.

Walsall Council had initially paid McDaid an interim payment of around £12,000 for an ankle operation, but it was not until their medical expert reviewed his medical records that the dishonesty came to light. McDaid had made exaggerated claims for 'loss of earnings', and "care" by his wife and lied to the medical experts about his fitness and sporting activities before trial in 2018, five years after the incident.

The personal injury claim was dismissed by Her Honour Judge Truman in May 2018 depriving him of his genuine damages when he was found to be *"fundamentally dishonest"* stating:

"He put forward a witness statement which he knew was deliberately misleading with regard to the abilities that he had and the level of care that he required. I cannot see any other reason for doing any of that except to try to maximise the claim for compensation that he was putting forward."

Mr McDaid then unsuccessfully appealed this decision, arguing that despite the fact that he was 'dishonest', he had not been fundamentally dishonest. This was rejected by the Honourable Mr Justice Martin Spencer in Birmingham County Court.

Walsall Council then pursued a private prosecution for contempt of court leading to his criminal conviction. This ruling was upheld on 17 December 2019.

Leader of Walsall Council Cllr Mike Bird said:

“Anybody who tries to claim money from Walsall taxpayers by giving a dishonest and exaggerated account of their injuries will see their day in Court. It is wrong – pure and simple. It also takes money from the public purse and away from important services in Walsall.

“We always scrutinise any claim that could be fundamentally dishonest, so I’m surprised that this individual thought we wouldn’t properly investigate his alleged injuries, especially when he was so visible in his sporting activities.”

“Let his hefty fees and a criminal record - be a reminder that Walsall Council will pursue and prosecute anyone who tries to wildly exaggerate a personal injury claim in this way.”

Paul Wainwright, partner and head of counter fraud services at Browne Jacobson, said:

“Given the Council’s concerns which were raised by its expert, it was right that a full and thorough investigation was carried out. Those investigations revealed extensive sporting activity which McDaid had dishonestly failed to evidence before the Court giving a false and misleading impression of the effect of his injury for financial gain. Had he succeeded in his claim, valuable resources would have been unavailable for the Council’s frontline services. The Council with Browne Jacobson’s help has clearly demonstrated its determination to take action to prevent fraud, protect the public purse and prosecute fraudsters. We hope this case will be a salutary lesson for anyone considering such action in the future.”

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