



EMPLOYMENT TRIBUNALS

Claimant: Mr G Durkin

Respondent: Pets Choice Limited

Heard at: Liverpool

On: 19 November 2021

Before: Employment Judge Aspinall

Representation

Claimant: in person

Respondent: Mr Wiltshire, Counsel

JUDGMENT

1. The claimant's claim for perceived direct disability discrimination is **struck out** on the ground that it has no reasonable prospect of success.
2. Full oral reasons were provided today and a summary of the reasoning is provided here. The claimant's case was that the respondent perceived that he would become mentally unwell and that would amount to a disability in the future. He did not argue that the respondent perceived him to have a condition that might progress to a disability, nor did he argue that the respondent perceived him to have any condition at all as at the date of its decision to dismiss him. His case was in this way distinguished from the authority *The Chief Constable of Norfolk v Lisa Coffey* [2019]EWCA Civ 1061 to which I was referred by the respondent.

Employment Judge ASPINALL

Date 19 November 2021

JUDGMENT SENT TO THE PARTIES ON

Date 28 January 2022

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.