



Case Number: 1303056/2021
Type V

EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Ms D Lyn

AND

Respondent
Sandwell & Birmingham
Hospitals NHS Trust

JUDGMENT OF THE EMPLOYMENT TRIBUNAL ON A PRELIMINARY HEARING

HELD AT Birmingham ON 23 & 24 May 2022

EMPLOYMENT JUDGE GASKELL

Representation

For the Claimant: In Person

For the Respondent: Ms J Smeaton (Counsel)

JUDGMENT

- 1 At times material to this claim the claimant was not a disabled person as a defined in the Equality Act 2010.
- 2 Pursuant to Section 123 of the Equality Act 2010, the Employment Tribunal has no jurisdiction to hear the claimant's claim for disability discrimination as the claim was presented out of time.
- 3 Pursuant to Rule 37 of the Employment Tribunals Rules of Procedure 2013, the claimant's claim for disability discrimination has no reasonable prospect of success.
- 4 Pursuant to Section 123 of the Equality Act 2010, the Employment Tribunal has no jurisdiction to hear the claimant's claim for age discrimination as the claim was presented out of time.
- 5 Pursuant to Rule 37 of the Employment Tribunals Rules of Procedure 2013, the claimant's claim for age has no reasonable prospect of success.
- 6 Accordingly, the claims are struck-out in their entirety and dismissed.

7 The claimant's application to amend her claim is refused.

Employment Judge Gaskell

24 May 2022

Judgment sent to Parties on

Note

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.