



EMPLOYMENT TRIBUNAL

Claimant: Mr. D. Leonard-Elmaz
Respondent: Ocado Central Services Ltd.
Hearing: Public Preliminary Hearing
Heard at: Watford ET (via video/CVP)
On: 9 October 2023
Before: Employment Judge Tinnion
Appearances: For Claimant: In person
For Respondent: Ms. J. Shepherd, Counsel

JUDGMENT

1. The Claimant's oral application for EJ Tinnion to recuse himself on grounds of appearance of bias is dismissed.
2. The Claimant's claim against the Respondent under s.15(1) of the Equality Act 2010 concerning the Claimant's start date and the Respondent's recruitment process (**Start Date/Recruitment Claim**) was presented out of time. It is not just and equitable to extend time.
3. The Start Date/Recruitment Claim is struck out under Rule 37(1)(a) (no reasonable prospect of success given lack of jurisdiction).
4. During the relevant period (6 April 2022 – 5 August 2022), the Claimant was not disabled under s.6 of the Equality Act 2010 because of depression.
5. The Claimant's remaining claim against the Respondent under s.15(1) of the Equality Act 2010 based on the disability of depression is dismissed.
6. Noted that the Claimant's wages and holiday pay claims against the Respondent remain unresolved.

REASONS

1. Judgments are published online after they have been sent to the parties.
2. Reasons for the decisions above having been given orally at the hearing, written reasons will not be provided unless a request is made by either party at the hearing or within 14 days of the sending of the written record of the decision. If no timely request for written reasons is received, the Tribunal will provide written reasons only if requested to do so by the Employment Appeal Tribunal or a court.

Employment Judge Tinnion

Date: 9 October 2023

Date sent to parties: 17 November 2023

For the Tribunal