



EMPLOYMENT TRIBUNALS

Claimant: Mr A Sheehan

Respondent: XC Trains Limited

PRELIMINARY HEARING

Heard at: Midlands (West) (in public; by CVP)

On: 4 March 2024

Before: Employment Judge Camp

Appearances

For the claimant: in person, assisted by Mr C Wright, non-legal representative

For respondent: Mrs M Ford, solicitor

JUDGMENT

1. The claimant is bringing the following complaints – all of disability-related harassment – only:
 - 1.1 one complaint about an incident in or around September 2019;
 - 1.2 four complaints about things allegedly said at a trade union Local Level Council meeting on an unspecified date in 2021.
2. All and any other complaints, to the extent not withdrawn, are not being proceeded with and are accordingly dismissed.
3. The complaint in 1.1 above fails and is dismissed because of time limits. In particular, it was presented outside the primary time limit of 3 months (plus any extension for early conciliation) and it would not be “*just and equitable*” in accordance with section 123(1) of the Equality Act 2010 for it to be permitted to proceed.
4. The complaint in 1.2 above is struck out pursuant to rule 37 of the Rules of Procedure because it has no reasonable prospects of success.
5. Reasons were given orally at the hearing. Written reasons will not be provided unless asked for by a written request presented by any party within 14 days of the sending of this written record of the decision.

Case Number: 1304494/2023

Employment Judge Camp
Date 07 March 2024