



EMPLOYMENT TRIBUNALS

Heard at: Croydon (by video) **On:** 26 February 2024

Claimant: Mr James McLanaghan

Respondent: SE Trains Limited

Before: Employment Judge Fowell

Representation:

Claimant In Person

Respondent Stephen Wyeth of counsel, instructed by Penningtons Manches Cooper LLP

JUDGMENT ON A PRELIMINARY ISSUE

1. The claimant was disabled with 'anxiety and depression and bereavement' from the date of his suspension on 30 May 2022 until his dismissal on 20 April 2023.
2. The following allegations are struck out on the basis that there is no reasonable prospect of the claimant satisfying the Tribunal that they were brought in time:
 - a) that from January 2021, and for around a year afterwards, a colleague (JN) would leave the cleaning of human waste in the workplace to him
 - b) that from 7th December 2020 until the end of his employment, he was told by JN and his line manger that he did not need to work overtime or extra Sundays, because he received PIP (Personal Independence Payment)
 - c) that from September 2021 onwards, around once a month, JN required him to fix the ticket machines, despite telling her he found doing so a struggle
 - d) that in early January 2022 he was threatened with disciplinary action for leaving his shifts early, and

- e) that from 7 December 2020 there was a failure to make a reasonable adjustment so as to avoid the requirement to stand up throughout his full nine-hour shift.
3. The claimant's remaining claims will proceed to a hearing on 3 February 2025.

Employment Judge Fowell

Date 26 February 2024

Judgment sent to parties on

11th March 2024

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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>