

JUDGMENT



EMPLOYMENT TRIBUNALS

Claimant: Mr. A DAVIS

Respondent: BACHY SOLENTANCHE LIMITED

HELD AT: BIRMINGHAM (MIDLANDS WEST) EMPLOYMENT TRIBUNAL

ON: 15/07/24

BEFORE: EMPLOYMENT JUDGE MANLEY

REPRESENTATION

For the claimant: In person (assisted by his litigation friend Mr. Winterbottom)

For the Respondent: Mr. MacNaughton, solicitor

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UPON the Tribunal hearing from the Claimant and solicitor for the respondent and conducting a preliminary hearing on the issue of whether the Claimant's is disabled within the meaning of the Equality Act 2010 due to his condition depression and arthritis in his shoulder;

AND UPON the Tribunal considering the Respondent's application to strike out the Claimant's claim on the grounds that it has no reasonable prospects of success or in the alternative to make a deposit on the grounds that the Claimant's claim has little prospects of success pursuant to rules 37 and 39 of the Employment Tribunal Rules of Procedure (as amended) (2013);

The judgment of the Tribunal is that:

1. The Claimant was disabled within the meaning of section 6 of the Equality Act 2010, from 1/02/23 to 9/03/23, being the date of the last discriminatory act complained of, by virtue of his depression and anxiety.

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2. The Claimant was not disabled within the meaning of Equality Act 2010 during the material time by virtue of his shoulder.

3. The Claimant's claim for disability discrimination is struck out pursuant to rule 37 of the Employment Tribunal Rules of Procedure (as amended) (2013) on the grounds that the Tribunal finds that it has no reasonable prospect of success.

Employment Judge MANLEY

Date: 18/07/24