



EMPLOYMENT TRIBUNALS

Claimant: Mr S Gibson

Respondent: Staffline Recruitment Limited (R1)
BMW (UK) Manufacturing Limited (R2)

Heard at: Reading ET via CVP **On:** 8 & 9 July 2024

Before: EJ Milner-Moore

Representation

Claimant: In person
Respondent: Mr A Quereshi (Counsel) R1
Ms L Kaye (Counsel) R2

PRELIMINARY HEARING IN PUBLIC JUDGMENT

The judgment of the Tribunal is as follows:

Strike out of claims.

1. The claims of disability discrimination and unfair dismissal were brought outside the relevant statutory time limits and:
 - a. The claimant has no reasonable prospect of establishing that it is just and equitable to extend the time limit for bringing the claim of disability discrimination. The claim is therefore struck out under Employment Tribunal Rule 37(1)(a).
 - b. The claimant has no reasonable prospect of establishing that it was not reasonably practicable to comply with the time limit for bringing the claim of unfair dismissal nor that the claim was brought within such further period as was reasonable. The claim is therefore struck out under Employment Tribunal Rule 37(1)(a).

Disability

2. At the relevant time (i.e. during January and February 2023) the claimant was a disabled person as defined by section 6 Equality Act 2010 because of a chronic heart condition.

3. In light of the decisions reached, the Second Respondent is dismissed as a respondent to the proceedings. The claim of unlawful deduction from wages will continue against the first Respondent only.

Employment Judge Milner-Moore
Date 9 July 2024

JUDGMENT SENT TO THE PARTIES ON

07/08/2024

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/>