



EMPLOYMENT TRIBUNALS

(England and Wales)
London Central Region

Claimant: AMBER HYLTON
Respondent: FAE VENTURES LTD (T/a FAE GROUP)

On the Respondent's application dated 2/6/23, and on reading the Claimant's second impact statement;

JUDGMENT

The Claimant's disability discrimination claims are struck out.

Reasons

The Tribunal's Case Management Order dated 29 March 2023 required that Claimant by 25/4/23 serve upon the Respondent a signed and dated impact statement which set out the following details:

1. Exactly what impairments/s is are relied upon;
2. When it started;
3. How long it did or has lasted;
4. What if any effect it had at the relevant time (i.e. the times of the events complained about in the claims) on her ability to do day-to-day activities;
5. What if any, medication or other treatment she has had for it; and
6. What the impact of the impairment on her ability to perform day-to-day activities would have been if she had not had such treatment.

Following the making of an Unless Order on 12/5/23, the Claimant has served a second impact statement providing information in relation to 1-3 and 5 above, but has still not provided any information about the claimed effect of the Claimant's condition on her ability to undertake specific normal day-to-day activities at the time of the events complained of, or at all. It also fails to deal at all with her ability to undertake day-to-day activities if she had not received treatment.

For example, paragraph 11.1 the Claimant states "I find myself completely wiped out from doing things that most people would not have an issue with". However, she fails to specify the type of "normal day-to-day activities" that are affected. Similarly, at paragraph 11.25 the Claimant says "The simplest of tasks require a lot more effort and energy", but does not go further than this in describing how her ability to undertake normal day-to-day activities are affected.

The second impact statement is also not signed or dated as required by paragraph 5 of the CMO dated 29/3/23.

The Claimant has therefore failed to fully comply with paragraph 5 of the Tribunal's case management order dated 29 March 2023 and she has breached the Unless Order dated 12 May 2023.

CASE MANAGEMENT ORDER

Any claims which do not depend on the Claimant's alleged disability have not been struck out and the Respondent's time for serving Amended GOR in relation to those is extended to 16/6/23 May 23 and the time for the agreement of the LOI is extended to 30/6/23, and these will proceed to trial as already listed.

J S Burns Employment Judge
London Central
6/6/2023
For Secretary of the Tribunals
Date sent to parties: 06/06/2023
