

them unfit to operate. The claimant said that he suspected on the flight back that he would not be fit to operate and, when he landed, he was even more sure he wouldn't be fit. He said that, when he woke up at 5.30 on 7th May, he could not get back to sleep because of the run of previous duties. He said that, if he had gone in, he would have broken the law; if he had operated, he would have committed a criminal act. He said he had emailed Roger Scadeng with all the details and described his run of duties starting on 2nd May. He said he suspected he would not be able to complete the full duty due to fatigue. They talked about circadian disruption; he said it was not surprising that he woke up 5.30 am local on 7th May and was unable to get back to sleep considering his earlier duties. The claimant suggested that they listen to tapes of his telephone calls, believing that the calls were recorded. According to the evidence of Jo Burke to this Tribunal, calls are not recorded. However, a decision had been taken high up in the organisation to play a message saying calls were being recorded, although they were not, as a deterrent against people making abusive calls. This message explains the claimant's belief that calls were recorded.

59. The claimant explained that there were personal factors which had added to fatigue. He said that, on 2nd May, he had been informed that his children's mother had been rushed into hospital with an undiagnosed but life threatening situation that meant that he had the children all weekend, which was unplanned, and he was assisting in what needed to be done. His children's mother was released from hospital about a week later. The claimant said he had the worry and concern and the basic day to day dealing with the matter from 2nd May for the rest of the week.

60. The claimant said that, in sixteen years with the company, he had never refused to go into discretion for a legally rostered flight and he had never previously refused a flight due to fatigue. He said he had done absolutely all he could to get the flight back as quickly as they could and he had done his best to give the company an early heads up of the high probability that would not be fit enough to do the flight on 7th.

61. Ian White joined the meeting. He explained that his background was in crew scheduling in the commercial sector and with BALPA for six years working on scheduling on the whole industry. Ian White commented on the claimant's roster and said that, in his professional opinion, from his experience in crew scheduling, it looked a particularly rough line of work, especially with a simulator in the middle which required a lot of revision and a lot of attention on the day because they are potentially job threatening if they go wrong. Ian White commented that the CAA are saying that they want to encourage fatigue at reporting and he thought the authority would like this to happen in a non-punitive environment; a culture where they could feel confident that they could report it.

62. By email dated 17th June 2014, Jo Burke asked for a copy of the claimant's fatigue report and the FRMS analysis and breakdown of changes to his work rota. Although Jo Burke understood the system that, when a pilot reports fatigue he has to fill in a fatigue report, she did not seek a copy of this until after her investigation meeting with the claimant.

63. On 19th June, Jane Marsden sent to Jo Burke the claimant's crew fatigue report. Jane Marsden is the FRMS and Optimisation Manager. FRMS is the Flight Reporting Management System, a tool which the respondent uses. Jane Marsden