



**TRIBUNALS SERVICE  
PRIMARY HEALTH LISTS – FIRST TIER**

**Case Number: 15228**

**Listed at: Leeds.  
On: 18<sup>th</sup> March 2010**

**Mr T Jones Judge of the First-tier  
Dr Walsh – Heggie Professional Member  
Mr Barnes Member**

**BETWEEN**

**DR H FUCHSJAEGER  
(GMC Professional Registration Number: 6130482 )**

**Appellant**

**and**

**NHS Bradford and Airedale PCT (“The PCT”)**

**Respondent**

**Appearances:**

The Appellant did not appear.  
There was no appearance for the PCT.

**APPEAL AGAINST REMOVAL OF THE APPELLANT FROM THE PCT’S  
PERFORMERS LIST**

**The hearing and the appeal**

1. On the date and time appointed for the hearing, we convened a hearing with a quorate Panel. The panel was satisfied that the Appellant was aware of the hearing, and having allowed

additional time for any late appearance of either of the parties, the Panel resolved to proceed and to hear the appeal.

2. On 12<sup>th</sup> November 2009 the PCT decided to remove the Appellant from its performance list. Pursuant to Regulation 10 (6) of the Performers List Regulations the PCT exercised its discretion to remove the Appellant from this list as there was no evidence he had performed any services within the area within the last 12 months. The Respondents case is set out at R1 – R15 of the bundle of papers before us and makes further reference to requests made since March 2009 for the Appellant to engage with an appraisal process.
3. The Appellants case is set out within the bundle at pages A1 – A3. This is to the effect that the Appellant would like to stay on a performers list so he might provide locum services in the United Kingdom if his practice commitments in Germany permit this.

### **Our Conclusions**

4. We find, as conceded in some measure by the Appellant (as noted above), that the Respondents decision was against the appropriate standard, and remains on the papers before us, a proper and proportionate decision in light of the want of evidence as to the Appellant providing services within the PCT's areas within the preceding 12 months and an absence of the Appellant engaging with the appraisal process of the PCT.

### **Decision**

#### **Appeal Dismissed.**

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Judge of the First-tier Tribunal  
Mr T Jones  
Dated 18<sup>th</sup> March 2010