



EMPLOYMENT TRIBUNALS

Claimant: Mr. A. Banton

Respondent: Cats Protection Trustee Limited

Heard at: Worle

On: 30th August 2017

Before: Employment Judge R. Harper

Representation

Claimant: in person

Respondent: Ms. C. Rayner, Counsel

JUDGMENT

1. The allegation under Section 104 Employment Rights Act 1996 is struck out as having no reasonable prospect of success.
2. The allegation of discrimination by associative disability discrimination is struck out as having no reasonable prospect of success.

REASONS

1. In relation to the Section 104 claim there was no evidence at all that the claimant had made any allegations of infringement of a statutory right. Even if there was such an allegation there was no evidence that the dismissal was principally for such allegation allegedly having been made. The claim, taking the claimant's case at its highest, could have no reasonable chance of success.
2. The claim of associative direct disability discrimination was in reality an assertion that the claimant's partner had been discriminated against not that he had been discriminated against. Even the claimant stated that he was not sure of this claim. The claim, taking the claimant's case at its highest, could have no reasonable chance of success.
3. In striking these two claims out I very clearly self directed on the leading cases relating to strike out especially in relation to discrimination

and that to do so should only be an exceptional course of action. In my view, for the reasons in paragraphs 1 and 2 above, it is appropriate to view this as being exceptional justifying a strike out of such claims.

Employment Judge R. Harper

30th August 2017

Date

JUDGMENT & REASONS SENT TO THE PARTIES ON 14 September
2017 by e-mail only

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FOR THE TRIBUNAL OFFICE