



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss E Ikerionwu  
**Respondent:** Go Resource Group Limited  
**Heard at:** Ashford  
**On:** 7 September 2018  
**Before:** Employment Judge Pritchard

**Representation**  
Claimant: No appearance  
Respondent: Mr R Whalley, solicitor

## JUDGMENT

All of the Claimant's claims in these proceedings (unfair dismissal, race discrimination and breach of contract) are struck out under of Rule 37(1)(a) and (d) of the Employment Tribunals Rules of Procedure 2013.

## REASONS

- 1 By way of any ET1 presented on 2 January 2018 the Claimant claims she was unfairly dismissed, discriminated against on grounds of race, and claimed notice pay. The Respondent resists the claims.
- 2 The grounds and/or details of the Claimant's claims, of race discrimination in particular, set out in her ET1 are unclear.
- 3 A preliminary hearing was listed for 11 April 2018 but the parties failed to attend. The Claimant gave no explanation for her non-attendance. The Respondent's representative was delayed in traffic. Employment Judge Kurrein ordered that unless the Claimant showed cause to the contrary by 27 April 2018, her claim would be struck out because she was not actively pursuing it.
- 4 In the event, Employment Judge Kurrein determined that the Claimant's claim should not be struck but, by letter to the Claimant dated 30 April 2018, the Claimant was informed by Employment Judge Kurrein that her attendance at the preliminary hearing had been necessary because, as was made clear in the Notice of Hearing, it was essential that her claims were

clarified. The Claimant was warned that if she failed to attend the next hearing, and her claim remained unclarified, it was highly likely that her claims would be struck out.

- 5 The case was subsequently listed for a preliminary hearing to consider whether the claims should be struck out or the Claimant be required to pay a deposit as a condition of being permitted to continue to advance her claims.
- 6 The Claimant failed to attend the preliminary hearing today. The clerk to the Tribunal attempted to make contact with the Claimant by telephone but her call simply went to answerphone/voicemail. The Claimant provided no notification in advance of the preliminary hearing that she would not be attending.
- 7 The Respondent was represented by Mr Whalley. Mr Whalley explained the procedural history of the case and informed the Tribunal that there had been a suggestion from ACAS that the Claimant might be withdrawing her claim. He applied for the Claimant's claims to be struck out.
- 8 The Respondent's application was granted.
- 9 The Tribunal concluded that the Claimant is not actively pursuing her claim.
- 10 Furthermore, The Claimant did not have two years' continuous service working for the Respondent. In correspondence with the Tribunal she purported to claim "automatic" unfair dismissal on the basis that she had been discriminated against. The legislation does not provide for "automatic" unfair dismissal claims to be brought on the basis of discrimination. The claim of unfair dismissal therefore has no reasonable prospects of success.
- 11 Yet furthermore, the Claimant failed to set out the details of her race discrimination claim such that it could be sensibly understood.
- 12 The Respondent made an application for costs. The Tribunal was not minded to consider the application given that the Claimant is a litigant in person and not in attendance at the preliminary hearing to respond to the application. Mr Whalley indicated that he would be making his application in writing and copying the application to the Claimant. The Respondent is reminded of the requirements of Rule 77.

Employment Judge Pritchard

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Date: 7 September 2018