



# EMPLOYMENT TRIBUNALS

**Claimant** Mr T Nurse  
**Respondent** Uni-versal Extras Limited

## PRELIMINARY HEARING

**Heard at:** Reading **On:30 October 2018**

**Before:** Employment Judge Gumbiti-Zimuto

### Appearances

**For the Claimant:** Not attending and not represented

**For the Respondent:** Ms L Berko (Director)

## STRIKE OUT ORDER

The claimants claim is struck out.

## REASONS

1. The claimant presented a claim containing a complaint of unfair dismissal, discrimination on the grounds of race, and unpaid wages. The ET1 claim form provides a section which allows a claimant to make a complaint about "another type of claim which the Employment Tribunal can deal with". The claimant has ticked this box and in it he set out the following: "I was insulted, threatened and provoked then dismissed by representatives claim to be following terms and conditions who promised more harm if I reported the matter. I then experience something that made my surroundings uncomfortable."
2. In section 8.2, 9.2 and 15 of the claim form the claimant makes a number of declamatory statements. In these sections of the claim form, the facts and matters that give rise to the complaints are not expressed in way that enables me to understand the case against the respondent.
3. The claimant has provided a number of documents to the Tribunals by way of email communications these include emails dated; 21 December 2017 (17:56), 23 December 2017 (12:25), 28 December 2017 (15:47), 15 January 2018 (11:04), 31 January 2018 (18:20), 4 February 2018 (14:27) and 7 February 2018 (12:49). These emails individually or collectively fail to provide coherent narrative from which the claimants' case can be understood.

4. The respondent filed a response denying that the claimant had ever been a worker or employee of the respondent and further stated that “it has not received sufficient information to make out the claims and to enable the Respondent properly to respond.”
5. The case was listed for a Preliminary Hearing on 12 February 2018, the claimant did not attend. The respondent was represented by Ms L Berko. Employment Judge Vowles considered that the claims require clarification and ordered that the claimant provide “full particulars of the claims he is pursuing together with all the facts and circumstances relied upon in support of each claim including location, date and persons involved”. It was recommended that the claimant seek some independent legal advice on his claims and the particulars ordered.
6. On the 27 February 2018 the claimant sent emails to the Tribunal at 13:23 and 14:23 came before the employment. To the extent that these emails were intended to comply with order made by Judge Vowles they fail to provide particulars of the claims he is pursuing together with all the facts and circumstances relied upon in support of each claim including location, date and persons involved.
7. The claimant sent an email to the Tribunal and to the respondent on the 16 October 2018 (2:28 AM). The claimant stated in his email correspondence that he would not be attending the hearing which was listed to take place today (30 October 2018).
8. At the hearing before me the respondent was again represented by Ms L Berko. She asked that claimants case be dismissed. Ms L Berko submitted that the respondent is a casting agency and that the claimant was booked to appear on a film but failed to attend as required, following which the respondent removed the claimant from their books and has had no further involvement with the claimant outside of these proceedings.
9. Rule 37 (1) of the Employment Tribunals Rules of Procedure 2013 provides that:
  - (1) At any stage of the proceedings, either on its own initiative or on the application of a party, a Tribunal may strike out all or part of a claim or response on any of the following grounds—
    - (a)that it is scandalous or vexatious or has no reasonable prospect of success;
    - (b)that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious;
    - (c)for non-compliance with any of these Rules or with an order of the Tribunal;
    - (d)that it has not been actively pursued;
    - (e)that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim or response (or the part to be struck out).
10. Having considered the claimant’s case as it is presented in the claim form and in so far as it can be gleaned from other correspondence that the claimant has sent to the Tribunal I am satisfied that the claim for unfair dismissal and unpaid wages have no reasonable prospect of success. I am unable to understand the claim for race discrimination, and on the face of the material before me I consider that claim too has no reasonable prospect of success. From the information provided I am unable to understand the nature of “another type of claim which the Employment Tribunal can deal with”. The claimant’s recital: “I was insulted, threatened and provoked then dismissed by representatives claim to be following terms and

conditions who promised more harm if I reported the matter. I then experience something that made my surroundings uncomfortable.” Does not enable me to conclude that there is a reasonable basis for any other complaint. This complaint too has no reasonable prospect of success.

11. The way the claimant has conducted the proceedings has not been conventional. The claimant has accused a member of Tribunal staff of using a false name and said that “I am not happy with the tribunal and fear corruption. I don’t expect a fair hearing.” It is not clear from the claimant’s correspondence why this should be the case.
12. The claimant has failed to comply with the order made by Judge Vowles on the 12 February 2018.
13. The claimant’s failure to attend the hearing on the 12 February 2018 and today’s hearing has meant that it has not been possible to clarify the nature of the claimant’s case and complaints against the respondent.
14. The nature of the claimant’s claims remain so unclear that it is not reasonable to expect the respondent to defend such a claim and in my view it is not possible for a fair hearing to take place.
15. For all the reasons set out above I am of the view that the claimant’s claim should be struck out.

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**Employment Judge Gumbiti-Zimuto**

Dated:30 October 2018

Sent to the parties on:

05/12/2018

For the Tribunal:

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