



EMPLOYMENT TRIBUNALS

Claimant: Mr M Keenan

Respondent: Workers Educational Association

JUDGMENT

The Claimant's claim that he was subjected to detriments because he made a protected disclosure is struck out.

REASONS

1. The Claimant was ordered to pay a deposit of £500 following a Preliminary Hearing held on 3 May 2019. The Order was sent to him on 15 May 2019. On 16 May 2019 Employment Judge Davies refused the Claimant's application to vary or revoke the deposit order. On 21 May 2019 Regional Employment Judge Robertson told him that he could apply for a review of the deposit order (which he had done and had been refused) or he could appeal it. He reminded him that the claim would stand dismissed on 31 May 2019 if he did not pay the deposit. On 23 May 2019 Employment Judge Davies refused the Claimant's further application for a preliminary hearing to consider whether the deposit order should be varied or revoked. That order was sent to him on 28 May 2019. He had made a further application for preliminary hearing on 26 May 2019 and applied for an extension of time for paying the deposit on 30 May 2019 (in order for the Tribunal to respond to new evidence he said he had provided). Those applications were not referred to a Judge before 31 May 2019. No extension of time was granted. In those circumstances the Claimant was required to pay the deposit and he did not do so. Under Rule 39(4) the claim is therefore dismissed.

For the avoidance of doubt Employment Judge Davies has considered the applications of 26 May 2019 and 30 May 2019. Had they been referred to her, she would not have listed a preliminary hearing or granted an extension of time. No basis for doing so was identified, particularly in circumstances where two applications had already been refused.

2. The hearing fixed for 17 – 19 September 2019 will not take place.

Employment Judge Davies

Date: 7 June 2019

7.6C Deposit not paid – Judgment - claimant Rule 39