



EMPLOYMENT TRIBUNALS

Claimant: Mr S T Anajemba

Respondent: Brit Sec Limited
Brit Sec Staff Services Limited (In Liquidation)

Before: Employment Judge Gumbiti-Zimuto

JUDGMENT

1. The respondent's application for reconsideration of the rejection of the response received at the Tribunal on the 4 February 2019 is refused.
2. The claimant's complaints about direct race discrimination and unfair dismissal succeed against the first respondent. This judgment is made pursuant to rule 21 of the Employment Tribunals Rules of Procedure.
3. The hearing listed for the **27 and 28 May 2020** shall consider what remedy the claimant is entitled to recover and whether any such remedy is to be ordered against the first respondent.
4. The first respondent's response has been rejected. The first respondent shall be entitled to notice of any hearings and decisions of the Tribunal but shall only be entitled to participate in any hearing to the extent permitted by the Judge.

REASONS

1. At the hearing on the 15 August 2019, the first respondent's application for a reconsideration of the decision to reject the first respondent's response on the grounds that it was presented outside the time limit for presentation of a response was postponed and was to be considered on the papers.
2. It was ordered that by no later than 4pm on the **12 September 2019**, the first respondent was to send to the Tribunal and copy to the claimant a statement, containing a statement of truth from the maker of the statement, setting out the facts or circumstances on which the first

respondent relies in support of its application to set aside the decision to reject the response. The statement must explain the basis for concluding that the decision to reject the response was wrong.

3. It was further ordered that by no later than 4pm on **12 September 2019**, the first respondent is to send to the Tribunal a draft of the grounds on which the respondent will rely in defence of the substance of the claimant's claim.
4. It was further ordered that unless the first respondent complies with said orders the first respondent's application for a reconsideration of the decision to reject the response will be dismissed.
5. The first respondent has failed to provide the statement or grounds on which the respondent will rely in defence of the substance of the claimant's claim. There is therefore no explanation for why the response was presented late or what if any grounds the respondent has to defend the claim made by the claimant.
6. The application for a reconsideration of the decision to reject the response is therefore refused.

Employment Judge Gumbiti-Zimuto

Date: 19 September 2019

Sent to the parties on:

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For the Tribunals Office

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