



EMPLOYMENT TRIBUNALS

Claimant: Mr S Zerehannes

Respondents: (1) Asda Stores Limited
(2) Steve Gamble
(3) Chris Tilley
(4) Zoe Small
(5) Karen Hallam
(6) Emma Knight
(7) Umar Farooq

PRELIMINARY HEARING

Heard at: Leicester (in public) **On:** 30 September 2019

Before: Employment Judge Camp (sitting alone)

Appearances

For the claimant: Dr R Ibakakombo, lay representative

For the respondent: Miss R Kight, counsel

JUDGMENT

1. By consent, the following complaints in case number 2601886/2019 are **dismissed upon withdrawal**, pursuant to rules 51 and 52: all and any complaints against Zoe Small, Karen Hallam, and/or Umar Farooq [mis-spelled “*Farooq*” in the claim form]. This does not affect any of the complaints against Asda Stores Limited.
2. The following complaints in case number 2601886/2019 have little reasonable prospects of success because of time limits and it would in principle be appropriate to make a deposit order under rule 39 in relation to them: the complaints numbered 1 and 2 in the claimant’s further information of 18 September 2019 (from page 396 of the hearing bundle).
3. No other complaint in case number 2601886/2019 is liable to be struck out or to have a deposit order made in relation to it because of time limits issues. All and any time limits issues will have to be dealt with at the final hearing.
4. By consent, in light of the decision recorded in paragraph 2 above, the following complaints in case number 2601886/2019 are **dismissed upon withdrawal**, pursuant to rules 51 and 52: the complaints numbered 1 and 2 in the claimant’s

further information of 18 September 2019. Because they are withdrawn, no deposit order is made in relation to them.

5. Complaint 12 in the claimant's further information of 18 September 2019 (case number 2601886/2019) is **struck out** pursuant to section 18A of the Employment Tribunals Act 1996 and rule 37(1)(a) because it arose after the claimant had completed the early conciliation process. The claimant was not given 14 days notice, in accordance with rule 54, that this issue was under consideration in relation to the respondent Asda Stores Limited (he was in relation to the respondent Emma Knight), but time is abridged.
6. Although any race discrimination claim based on the claimant's Eritrean-Bilen national origins and/or his Eritrean ethnicity (in so far as Eritrean is an ethnicity, which it may well not be) has no reasonable prospects of success, and although no complaint in 2601886/2019 has better than little reasonable prospects of success, the rest of the respondent's application to strike out the complaints against individuals in 2601886/2019 **fails**. The respondents did not make a deposit order application, nor any application in relation to the complaints against Asda Stores Limited; the claimant has a race discrimination claim based on his dark skin colour which has some prospects of success.
7. The remaining complaints, if not withdrawn and/or compromised, will proceed to the final hearing.
8. Reasons for paragraphs 2, 3, and 5 to 7 above were given orally at the hearing. Written reasons will not be provided unless asked for by a written request presented by any party within 14 days of the sending of the written record of the decision.

7 October 2019

Employment Judge Camp

Sent to the parties on:

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For the Tribunal:

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