



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr F Kosnik

**Respondent:** DHL International Ltd

## JUDGMENT

1. The claim of age discrimination is **struck out**.
2. The claim of race discrimination is **struck out**.

## REASONS

1. At a preliminary hearing held on 1 July 2020, the claimant was ordered to pay a deposit of **£250.00** in respect of each of the above two claims as a condition of him being permitted to proceed with either or both of those claims. The order made clear that any payments of deposits that he elected to make had to be made by no later than **14 August 2020**. The Order was sent to the claimant on 16 July 2020. The claimant has failed to pay either deposit by the due date. According to the Bristol finance office, to which payments were to be sent, a payment of £500 was received late on 17 August 2020. The above complaints, to which the deposit order related, are therefore struck out under rule 39(4) of the **Employment Tribunals Rules of Procedure 2013** which provides that such claims to which a deposit relates shall be struck out if it is not paid by the date specified in the order.

2. Until and unless an application for relief from this sanction is made and granted, the hearing fixed for 6-8 April 2021 will proceed in respect of the remaining claim of unfair dismissal only and the claimant will be entitled to a refund of the deposit paid late.

---

Employment Judge Clark

Date: 16 September 2020

JUDGMENT SENT TO THE PARTIES ON

24 September 2020

FOR THE TRIBUNAL OFFICE