



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

Mr. D Ovierioba-Igbinoba

v

West Midlands Travel Limited  
t/a National Express West Midlands

**Heard at:** Watford (by CBVP)

**On:** 17 June 2021

**Before:** Employment Judge Loy (sitting alone)

## **Appearances**

**For the Claimant:** Mr. J Neckles, Trade Union Representative

**For the Respondent:** Mr. N Newman, Solicitor

## **JUDGMENT**

1. There is a strongly arguable case that the pleaded acts of discrimination set out at paragraphs 2.1 and 2.2 of the Particulars of Complaint amounted to conduct extending over a period which began on 10 August 2019 when the claimant was investigated for potential misconduct and ended on 12 December 2019 when the appeal outcome was communicated to him. The end of that period is within the 3 months' time limit under section 123(1)(a) of the Equality Act 2010.
2. As the matter stands at this stage, there is a weak but tenable argument that the claimant has been discriminated against.
3. The respondent's application to strike out the claim under rule 37 on the grounds that it has no reasonable prospects of success therefore fails, that application having been made both in respect of the limitation period and the merits of the claimant's claim.

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Employment Judge Loy

Date: 2 July 2021

Sent to the parties on: ..10/08/202.....

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For the Tribunal Office

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.