



EMPLOYMENT TRIBUNALS

Claimant: Ms. L FEARS

Respondent: RESIMANAGEMENT LIMITED

JUDGMENT

The claimant's allegations that:

1) the respondent subjected the claimant to a detriment by refusing to conduct a disciplinary hearing which would allow the claimant either directly or through her companion to address the hearing in order to:-

(i) put the Claimant's case;
(ii) sum up that case;
(iii) respond on the Claimant's behalf to any view expressed at the hearing on the ground that the claimant sought to exercise her right under s.10 Employment Relations Act 1999 ("EreIA 1999") to be accompanied at the hearing on 4 March 2021 (paragraph 1a of the claimant's Particulars of Claim); - **Allegation (1)**

2) the respondent subjected the claimant to a detriment by refusing to apply the terms of the contractual Disciplinary Procedure and or those contained within the applicable statutory Acas Code of Practice to her dismissal on the ground that the claimant sought to exercise her right under s.10 EreIA 1999) to be accompanied at the hearing on 4 March 2021 (paragraph 1b of the claimant's Particulars of Claim); - **Allegation (2)**

3) the respondent subjected the claimant to a detriment by refusing to grant the claimant a right of appeal against her dismissal which became effective on the 31st March 2021 on the ground that the claimant sought to exercise her right under s.10 EreIA 1999) to be accompanied at the hearing on 4 March 2021 (paragraph 1c of the claimant's Particulars of Claim); - **Allegation (3)**

4) the respondent subjected the claimant to a detriment by dismissing the claimant on the ground that the claimant sought to exercise her right under s.10 EreIA 1999) to be accompanied at the hearing on 4 March 2021 (paragraph 1d of the claimant's Particulars of Claim); - **Allegation (4)**

5) the claimant's dismissal is automatically unfair under s. 104 ERA 1996 because the respondent dismissed or selected the claimant for dismissal because of or for reasons connected to an assertion by the claimant of her statutory right to be

accompanied at the meeting on 4 March 2021 pursuant to s.10 ErelA 1999 (paragraph 5(i) of the claimant's Particulars of Claim); - **Allegation (5)**

6) the claimant's dismissal is automatically unfair under s. 104 Employment Rights Act 1996 ("ERA 1996") because the respondent dismissed or selected the claimant for dismissal because of or for reasons connected to an assertion by the claimant of her statutory right not to be unfairly dismissed under s.94 ERA (paragraph 5(ii) of the claimant's Particulars of Claim); - **Allegation (6)** and

7) the claimant's dismissal is automatically unfair under s. 104 ERA 1996 because the respondent dismissed or selected the claimant for dismissal because of or for reasons connected to an assertion by the claimant of protections derived under ss.13, 26 and 27 Equality Act 2010 ("EqA 2010")(paragraph 5(iii) of the claimant's Particulars of Claim); - **Allegation (7)**.

are struck out.

REASONS

1. The claimant was ordered to pay a deposit of £50 for each of the seven allegations (i.e. 7 x £50 = £350) not later than 21 days from the date the Deposit Order was sent to the parties as a condition of being permitted to continue to advance those allegations.
2. The Order was sent to the parties on 22 December 2021.
3. The claimant has failed to pay any deposit. The allegations are therefore struck out under rule 39(4) of the Employment Tribunals Rules of Procedure 2013.

Employment Judge **Klimov**

Date: 14 January 2022

JUDGMENT SENT TO THE PARTIES ON

14/01/2022..

FOR THE TRIBUNAL OFFICE