



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss T Amber

**Respondent:** West Yorkshire Fire and Rescue Service

## JUDGMENT

The remaining complaints are struck out, and the claim is therefore dismissed.

## REASONS

1. The claimant was ordered to pay deposits in the total sum of **£300.00** following a preliminary hearing held on **14th March 2022**. The Order was sent to the claimant on **15th March 2022**. The claimant has failed to pay this deposit. The remaining complaints set out below, are therefore struck out under rule 39(4) of the **Employment Tribunals Rules of Procedure 2013**:
  - 1.1 the claim that she was subjected to harassment because of her race on or about 19th August 2021;
  - 1.2 the claim that she was subjected to harassment because of her race on 3<sup>rd</sup> August 2021;
  - 1.3 any and all claims that she was subjected to discrimination or harassment because of her race in or about November 2016, because they are out of time and there is now no argument to be advanced that it would be just and equitable to extend time;
  - 1.4 any and all claims that she was subjected to discrimination or harassment because of her race in respect of the actions of Aleemah Mohmin, because they are out of time and there is now no argument to be advanced that it would be just and equitable to extend time;
  - 1.5 any and all claims that she was subjected to discrimination or harassment because of her race or victimisation in respect of the actions of Ian Stone in the course of the grievance hearing, because they are out of time and there is now no argument to be advanced that it would be just and equitable to extend time;
  - 1.6 any and all complaints that she was subjected to discrimination or harassment because of her race or victimisation in respect of the actions of Christine Cooper in the course of the grievance appeal hearing because they are out of

time and there is now no argument to be advanced that it would be just and equitable to extend time.

2. Although the Claimant has requested a reconsideration of the strike out judgment which was also issued at the hearing on 14<sup>th</sup> March 2022 (which was refused on 25<sup>th</sup> March 2022), she has never actually applied to vary the Deposit Order in the interests of justice, nor to extend the time for payment.
3. Although the Claimant had indicated at 15.56 on 9<sup>th</sup> May 2022, the due date for payment of the deposit, that she was “in the process of appealing” the imposition of the Deposit Order, this does not result in the application of rule 39 (4) being automatically placed “on hold”.
4. Only if the Claimant successfully appeals the Deposit Order will relief from sanction be granted in respect of this judgment.
5. The case management orders to provide further information by 27<sup>th</sup> May 2022 are therefore revoked.

Employment Judge **Lancaster**

Date: 16<sup>th</sup> May 2022