



EMPLOYMENT TRIBUNALS

Claimant Mrs Tanya Merrill
Respondent Ian Hyman & Co. Limited
Heard at: Central London (by video) **On:** 11 May 2022
Before Employment Judge Fowell
Representation
Claimant No appearance
Respondent Mr Ian Hyman, Director

JUDGMENT

1. The claim is struck out for failure to comply with the Tribunal's directions and because it has no reasonable prospect of success.

REASONS

1. In her claim form of 11 November 2021 the claimant raised a claim of disability discrimination. She alleged that she had injured her shoulder through working at home as a typist and that the respondent was to blame because it had failed to provide her with the correct equipment or carry out an assessment of her needs. It did not identify when she says she became disabled, when the respondent became aware of any such disability, or any acts of discrimination by the respondent after that date.
2. These points were made in the response to the claim by the respondent's solicitors and they sought further information about the claim. Some further information was provided by email on 3 February 2022 from the claimant's Trade Union representative. This confirmed that the respondent was first informed of the injury on 15 March 2021 and otherwise relied on the respondent's alleged failure to carry out a workstation assessment leading to her injury.

3. A preliminary hearing was held on 24 February 2022 before Employment Judge Sutton QC. The claimant did not attend on health grounds but was represented by her Trade Union representative. The Judge considered that the respondent's request for further information had been reasonable and necessary, that the email of 3 February went some way to elucidating the claim, but ordered that further clarification be given. In summary, the information required was that she specify:
 - a. the impairment;
 - b. the date she became disabled; and
 - c. the acts of discrimination she suffered as a result, including who was responsible and when.
4. That further information was to be provided by 24 March 2022. The Order contained the normal warning about the consequences of non-compliance, which include that the claim may be struck out.
5. Since then the only communication from the claimant was been an email from her Trade Union representative stating that she was seeking compensation for stress, pain and injury to feelings. None of the required information was provided.
6. Mr Hyman for the respondent advised the Tribunal at this hearing that a letter had been received from solicitors acting for the claimant, separate to these proceedings, setting out a personal injury claim on the same facts.
7. The claimant is no longer represented by her Trade Union and she did not take part in this hearing. When telephoned by the Tribunal Clerk she said that she had not received notice of the hearing, sometimes did not get her emails and was not feeling well.
8. The Tribunal file shows that notice of the hearing was sent to her email address and that on the claim form when providing this email address she ticked the relevant box to confirm that this was her preferred method of communication.
9. Accordingly, the only information provided by the claimant to date alleges that the respondent is responsible for a personal injury but does not identify any subsequent act of discrimination. Hence the complaint of disability discrimination appears to have no reasonable prospect of success.
10. Further, the claimant has failed to provide the required further information despite an Order from the Tribunal. In those circumstances the grounds for a strike out order are made out.
11. This Order is not intended to prevent the claimant pursuing a civil claim for personal injury, which appears to be the appropriate forum.

Employment Judge Fowell

Date 11 May 2022

JUDGMENT & REASONS SENT TO THE PARTIES ON

11/05/2022