



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms I Ulrik

**Respondent:** Travelodge Hotels Ltd

**Before:** Employment Judge P Cadney

**Representation:**

Claimant: Written Submission

Respondent:

## **Reconsideration Judgment**

The judgment of the tribunal is that-

- i) The claimant's application to revoke or vary the Judgment is dismissed.

### **Reasons**

1. On 7<sup>th</sup> July 2022 I heard a Preliminary Hearing in which I refused an application to amend; permitted some claims to proceed but dismissed claims (as having presented out of time) of :
  - i) Unpaid Travel time;
  - ii) Race and Age Discrimination
2. The claimant has submitted an application for reconsideration. The grounds of the application for reconsideration are in summary that:
  - i) She alleges that the respondent's representative committed perjury and/or manipulated the tribunal process by denying knowledge of the contents of and/or failing to include her email of 12<sup>th</sup> May 2022 in the bundle;

- ii) That “..it was clear to everybody..” that she was alleging that the last day of discrimination was 18<sup>th</sup> / 20<sup>th</sup> May 2021; and that she had never stated that the last date of an act of discrimination was 1<sup>st</sup> November 2020 as recorded by EJ Gray, who in fact and contrary to the specific record in the CMO did not ask her about her discrimination claims but only her monetary claims (para 4) ;
- iii) Her witness statement includes acts after 1<sup>st</sup> November 2020 and that all of the events that post-date 1<sup>st</sup> November 2020 are relied on as acts of discrimination;
- iv) That I was not correct to state that no claim arises from her resignation, and that it should have been clear that her resignation was caused by discrimination;
- v) That she does not accept that there is any prejudice to the respondent in extending time;
- vi) That a large company like the respondent should not be allowed to get away with discrimination because she made a thoughtless comment to EJ Gray;
- vii) That the claim for travel time should have been accepted;
- viii) That in fact the balance of prejudice favoured permitting an extension of time.

#### Age / Race Discrimination

- 3. The majority of the points set out above relate to the age/race discrimination claims.
- 4. To take them in turn there appears to me no basis for the claimant’s allegations against Ms Hussein. The reliance on the 18<sup>th</sup>/20<sup>th</sup> May 2021 rostering as an act of discrimination appears in a paragraph at the end of a list of documents and was not a point that was made before or after (see below).
- 5. The second point is that it was or should have been clear that she was relying on the rostering as an act of discrimination, and was referred to at Box 15 of the ET1. The difficulty for the claimant is that it is not included in her detailed list of acts of discrimination accompanying the ET1, and she did not rely on it before EJ Gray (although she describes this as an error). In the circumstances it is factually correct that the earliest point at which she relies on it is the email of 12<sup>th</sup> May 2022 and it follows (as set out in the original judgment ) that she would in any event have required permission to amend.
- 6. In respect of the assertion that EJ Gray’s record of the case management hearing is either incorrect, or that the concessions made by the claimant were made in error; the claimant has never sought to challenge the accuracy of it at any point prior to the preliminary hearing and there is no basis for me to conclude that it is not an accurate record of the hearing.

7. The third is that her witness statement lists events after 1<sup>st</sup> November 2020. This is correct but is not in my judgment particularly significant as the PH was listed to consider all her claims, not simply those of age and race discrimination, and there is no indication in the witness statement itself that the claimant is seeking to alter the basis of any of her claims. Of greater significance is that the rostering on 18<sup>th</sup> May is not referred to at all.
8. The fourth point is that I was incorrect to say that no claim arises from her resignation. However this is factually correct .All of the claims pre-date her resignation and here is no claim (e.g. constructive unfair dismissal) which arises from the resignation itself.
9. The balance of the grounds are essentially reiterations of points made in the hearing.
10. In the circumstances there is nothing in the application for reconsideration which leads me to conclude that the original decision should be varied or revoked and the application is dismissed.

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Employment Judge P Cadney  
Dated: 11<sup>th</sup> August 2022

JUDGMENT SENT TO THE PARTIES ON  
24 August 2022 by Miss J Hopes

FOR THE EMPLOYMENT TRIBUNAL