



EMPLOYMENT TRIBUNALS

Claimant

C M Mafuta

v

Respondent

North Middlesex
University Hospital NHS Trust

Heard at: Watford by CVP
Before: Employment Judge Anderson

On: 5 July 2023

Appearances

For the claimant: S Page (counsel)

For the respondent: T Goodwin (counsel)

JUDGMENT

1. The claimant's claims of unfair dismissal and breach of contract are dismissed upon withdrawal.
2. The claimant's claim of age discrimination is struck out.

REASONS

1. The claimant filed a claim on 20 January 2023 of unfair dismissal, breach of contract and age discrimination. No particulars of claim were provided.
2. On 18 May 2023 the respondent filed an application to strike out the claimant's claim in its entirety.
3. On 27 June 2023 the claimant made an application to amend her claim to include particulars of the age discrimination claim, and to withdraw the claims of unfair dismissal and breach of contract.
4. At a hearing on 5 July 2023 the tribunal refused the application to amend the claim to provide particulars of the age discrimination claim.

5. Mr Goodwin, for the respondent, then sought strike out of the age discrimination claim on the ground that as the amendment had been refused there was no substance to the claim and no extant cause of action, so no reasonable prospects of success. Mr Page, for the claimant, said that given the tribunal's ruling on the amendment application there was no extant cause of action, and he could make no further submissions.
6. I find that as the claimant identified no facts in her claim upon which a claim of age discrimination could be founded, the claim has no reasonable prospect of success, and it is struck out.

Employment Judge Anderson

Date: 10 July 2023

Sent to the parties on: 23 July 2023

GDJ
For the Tribunal Office