



EMPLOYMENT TRIBUNALS

Claimant: Mr. D. James

Respondent: Network Rail Infrastructure Ltd.

Hearing: Public Preliminary Hearing

Heard at: London Central ET (by video/CVP) **On:** 1 November 2023

Before: Employment Judge Tinnion

Appearances: For Claimant: Ms. W. Ansah-Twum, Counsel
For Respondent: Ms. A. Ahmad, Counsel

JUDGMENT

1. The Claimant's claim of unfair dismissal under ss.94-98 of the Employment Rights Act 1996 in the ET1 presented on 6 July 2023 (Case No: 2303170/2023) (the "**Unfair Dismissal Claim**") was not presented in time.
2. It was reasonably practicable for the Claimant to have presented the Unfair Dismissal Claim in time.
3. The following claims (the "**Equality Act Claims**") in the ET1 presented on 6 July 2023 (Case No: 2303170/2023) were not presented in time:
 - (a) claim under s.13(1) of the Equality Act 2010 that the Claimant's dismissal by Mr. Harry Duddy with effect from 23 March 2023 was an act of direct race discrimination;
 - (b) claim under s.26 of the Equality Act 2010 that the Claimant's dismissal by Mr. Duddy with effect from 23 March 2023 was an act of harassment related to race;
 - (c) claim under s.27 of the Equality Act 2010 that the Claimant's dismissal by Mr. Duddy with effect from 23 March 2023 was a detriment the Respondent subjected the Claimant to because the Claimant had done the protected act of asserting his race discrimination claims in Case No: 2204182/2022.

4. It is not just and equitable to extend time for the Equality Act Claims.
5. The Tribunal does not have jurisdiction to consider the Unfair Dismissal Claim or the Equality Act Claims.
6. The Tribunal strikes out the Unfair Dismissal Claim and the Equality Act Claims under Rule 37(1)(a) (no reasonable prospect of success given lack of jurisdiction).

NOTE

1. Judgments are published online after they have been sent to the parties.
2. Reasons for the decisions above having been given orally at the hearing, written reasons will not be provided unless a request is made by either party at that hearing (no request was made) or within 14 days of the sending of the written record of the decision. If no timely request for written reasons is received, the Tribunal will provide written reasons only if requested to do so by the Employment Appeal Tribunal or a court.

Signed (electronically): *Employment Judge Antoine Tinnion*

Date of signature: 1 November 2023

Date sent to parties: 02` November 2023