



# EMPLOYMENT TRIBUNALS

BETWEEN

CLAIMANT

V

RESPONDENT

Mr G Hristov

EKC Group

**Heard at:** London South Employment Tribunal by CVP      **On:** 31 October 2023

**Before:** Employment Judge Martin

**Appearances:**

**For the Claimant:** In person

**For the Respondent:** Mr Stephens - Counsel

## JUDGMENT

The judgment of the Tribunal is that the Claimant failed to adequately respond to the unless order made on 19 May 2023 and as a result his claim for race discrimination was automatically dismissed on the date of non-compliance namely 2 June 2023.

## REASONS

1. The Claimant presented a claim form in which he ticked the box indicating he was claiming race discrimination but gave no details of any discrimination. On 19 May 2023 Employment Judge Wright made an order:

*“Having considered the file, Employment Judge Wright is of the view that the claim of Race Discrimination has no reasonable prospect of success for the following reasons:*

*Apart from ticking the box “race” in 8.1 on the claim form, there is no discernable reference to any form of race discrimination Employment Judge ORDERS that the claim will stand dismissed on 02 June 2023 without further order, unless before that date the claimant has explained in writing why the claim should not be dismissed.”*

2. The electronic file does not show any response being received, and the Respondent said it had not received a response and had concluded that the race discrimination claim had been automatically dismissed on the date of non-compliance.
3. During this hearing, the Claimant said he had responded on 1 June 2023. He forwarded to the Respondent and to the Tribunal the documents he was referring to. The Tribunal adjourned to receive and read the documents.
4. There were three documents forwarded, one of which was the Claimant's contract of employment. The other two comprised a document titled "Grounds of Discrimination". This is a long document and details incidents which do not form part of the claim form. For example, being denied a partaking space, comments about his accent and so on. The claim form is just related to the disciplinary process which resulted in the Claimant's summary dismissal for gross misconduct.
5. The only part of this document that related to the claim form was a paragraph as follows:

*"VI. Investigation Process:*

*□ The investigation conducted by the Respondent was unfair and biased as it failed to consider crucial evidence and neglected to interview key witnesses who could provide valuable insights into the alleged incidents. This indicates a lack of procedural fairness and raises concerns of discrimination and led to the findings detrimental to the case of the Claimant."*

6. I did not consider that this was sufficient. I explained to the Claimant that it is not enough to complain about something and to be of a particular race. This paragraph does not indicate any reasonable prospect of success. The document does not explain why the claim should not be struck out. I held that the claim had been automatically struck out on the date of non-compliance namely 2 June 2023.
7. I also explained to the Claimant that a claim form is not something to get the ball rolling. I explained that the claim form must contain details of the matters complained of. The order made by Judge Wright was not an invitation to open up the ambit of the claim.
8. There is an issue as to whether the Claimant did send this document. He has provided an automatic response. I have considered this and on balance find that the Claimant did send this document to the Tribunal.

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**Employment Judge Martin**  
**31 October 2023**