



# EMPLOYMENT TRIBUNALS

**Claimant:** Wilson Alves DA Silva

**Respondent:** Asda Stores Ltd

**Heard at:** Exeter (by CVP) **On:** 03 April 2024

**Before:** Employment Judge Scott

**Representation**

**Claimant:** In person

**Respondent:** Mr Johnston (Counsel)

## JUDGMENT

1. The respondent's application under rule 37(1)(a) of the Employment Tribunal Rules of Procedure 2013 to strike out the claimant's claim of Direct Race Discrimination on the basis of no reasonable prospect of success, is refused.
2. The respondent's application for a deposit order under rule 39 of the Employment Tribunal Rules of Procedure 2013 on the claimant's allegation of Direct Race Discrimination on the basis it has little reasonable prospect of success is granted. A separate Deposit Order is issued in this respect.

Employment Judge Scott

Date 02 April 2024

JUDGMENT SENT TO THE PARTIES ON  
14 June 2024 By Mr J McCormick

### Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

### Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunaldecisions](http://www.gov.uk/employment-tribunaldecisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

### Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>