



EMPLOYMENT TRIBUNALS

Claimant: Miss S Stoycheva

Respondent: XC Trains Ltd

JUDGMENT

Allegations 1, 3 & 5 as set out in the case management order of 28 February 2024 are struck out.

REASONS

1. The Claimant was ordered to pay a deposit of £50.00 for each of the listed Allegations 1 to 5 inclusive following a preliminary hearing held on 28 February 2024. The Order was sent to the Claimant on 6 March 2024. The Claimant has failed to pay this deposit in respect of Allegations 1, 3 and 5. The following allegations are therefore struck out under rule 39(4) of the **Employment Tribunals Rules of Procedure 2013**:
 - a. Allegation 1: in November 2022 when the claimant applied for a vacant position at her workplace, a colleague who is a UK national was appointed when the claimant was not.
 - b. Allegation 3: in connection with an alleged sexual assault on 29 December 2022, the claimant was informed in early 2023 that if she did not return from sick leave following the incident then her absence would trigger the respondent's Attendance Management Policy. She says that this may have been repeated in May 2023.
 - c. Allegation 5: between December 2022 and May 2023 the claimant was not issued with a work phone despite repeated requests and reminders both verbally and by email. This was a breach of the respondent's normal health and safety requirements for on-board staff.
2. The deposit was paid in respect of Allegations 2 and 4 which therefore proceed in accordance with the case management orders.

Employment Judge Ferguson

Date: 10 May 2024

JUDGMENT SENT TO THE PARTIES ON
16 January 2025 By Mr J McCormick

FOR THE TRIBUNAL OFFICE