



# EMPLOYMENT TRIBUNALS

## London South Employment Tribunal

**Claimant:** Eduardo da Costa Catoquessa

**Respondent:** Springboard UK Charity

## JUDGMENT

Having reviewed the claim brought by Mr da Costa Catoquessa against Springboard UK Charity, I consider that **the entire claim is struck out under Rule 38 of the Employment Tribunals Rules of Procedure 2024**. The reasons for my decision are set out below.

### Reasons

1. The claimant was employed by the respondent for a period of only two months, from 22 January 2018 until 21 March 2018. His claim form, submitted on 11 February 2024, raises complaints of unfair dismissal, discrimination on the grounds of age, race and disability. All these claims relate to his brief period of employment which ended nearly six years before he filed his claim.
2. The time limit for bringing these claims expired on 20 June 2018, being three months less one day from the date his employment terminated. The claimant did not approach ACAS for early conciliation until 22 November 2023, which was approximately 5.3 years after the limitation period had already expired. Even taking the ACAS certificate into account, the claim was presented 2,062 days (or 5.66 years) beyond the applicable time limit.
3. Even considering the claimant's own statement that he engaged in a post-employment grievance process which concluded by the end of June 2018, his claim remains substantially out of time. If one were to take 30 June 2018 as the last possible date upon which any allegations of discrimination or matters under The Employment Rights Act 1996 could have occurred, the primary limitation period would have expired on 29 September 2018. The claim was still presented 1,961 days (over five years) beyond this adjusted time limit, which remains an excessive delay by any standard.
4. The claimant has offered limited, unsatisfactory, justification for this extraordinary delay. In his response to the strike-out warning dated 30 July 2024, he cited "complex health issues and personal familial factors" but provided no explanation or supporting evidence. He also referenced the COVID-19 pandemic's impact on tribunal operations, but this is not a credible explanation as the pandemic restrictions did not begin until March 2020, the better part of two years after the time limit had expired. His belief in a "five-year rule" for bringing such claims is simply incorrect in law.
5. Furthermore, the claimant has demonstrated a persistent failure to engage with the tribunal process. Following his response to the strike-out warning in July 2024, he has not complied with any case management orders. Despite clear directions requiring the exchange of documents by 22 November 2024 (later extended to 17 January 2025), he has provided

nothing. The respondent's solicitors have made several attempts to contact him regarding the preparation of the bundle, but to no avail.

6. When challenged about his non-compliance, the claimant asserted – to the Respondent - on 5 February 2025 that he had sent documents to them "countless times", yet he has produced no evidence of these purported communications despite being asked to do so. He has not responded to the respondent's application to strike out his claim dated 6 February 2025, despite being copied into this correspondence.
7. It is particularly notable that, even now – on 4 March 2025, almost seven years after his employment ended – the claimant's allegations remain entirely opaque. It is unclear what he claims by way of disability, what actions, inactions or omissions by the respondent he alleges were discriminatory, or what his claims for race and age discrimination consist of. Despite having had almost seven years to consider and articulate his complaints, he has provided no meaningful or reliable information about the substance of his claims. Even allowing for his self-described status as "Delightfully dyslexic" (noted in his July 2024 email), this lack of clarity and specificity after such an extensive period is simply unreasonable, particularly when a Judge has already issued specific Case Management Orders requiring him to provide this information, with which he has not complied.
8. In these circumstances, I am satisfied that a fair hearing of the claimant's complaints is no longer possible. The excessive delay in bringing the claim means that memories will have faded, documentation is likely to have been lost, and witnesses may no longer be available. The claimant's persistent non-engagement with the tribunal process further undermines any prospect of a fair resolution.
9. The overriding objective requires that cases are dealt with fairly and justly, avoiding unnecessary delay and disproportionate use of tribunal resources. Allowing this claim to proceed would run contrary to that objective, placing an unreasonable burden on the respondent to defend allegations relating to events that occurred over six years ago, and consuming scarce tribunal resources on a claim that has no reasonable prospect of success.
10. The open preliminary hearing listed for 15 March 2025 is cancelled.

**APPROVED**  
**Judge M Aspinall**  
**(sitting as an Employment Judge)**  
**4 March 2025**

Judgment sent to the parties on  
4 March 2025

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