



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8000106/2025

Reconsideration Judgement 22 March 2025

Employment Judge McFatridge

Miss K Hunter

**Claimant
In person
(Assisted by
R Kerrigan)**

Fala Foods Ltd

**Respondent
Represented by:
Mr Green,
Barrister**

The judgement of the tribunal on reconsideration of the strike out judgement dated 11 April 2025 is that the final sentence of the paragraph headed “REASONS” shall be delete.

Reasons

1. In this case the claimant claimed that she was unfairly dismissed and that she was unlawfully discriminated against on grounds of disability. The claimant does not have two years qualifying service necessary to make a claim of “ordinary” unfair dismissal under the Employment Rights Act and at a preliminary hearing which took place on 11 March 2025 she accepted that this was the case and that claim was subsequently dismissed.
2. At the same preliminary hearing on 11 March 2025 the respondent successfully applied for a deposit order in this case to the effect that the claimant would require to pay a deposit of £50 as a precondition of continuing with her claim that her dismissal was an act of disability discrimination.
3. A copy of the deposit order was sent to the claimant on 13 March ordaining her to pay the deposit of £50 prior to 2 April as a condition of continuing with that claim. The deposit order was directed solely against the allegation that the claimant’s dismissal was an act of disability discrimination. She has other discrimination claims which were not affected by the deposit order.

4. The claimant did not pay the deposit by the due date and an order was made on 11 April 2025 striking out “the allegation/argument that the claimant’s dismissal was discriminatory on grounds of disability”. Unfortunately whilst this was correct the last sentence of the reasons went on to state that this brought the proceedings to an end. That sentence in the reasons was incorrect and the claimant sought clarification of it and a reconsideration.
5. Given that this sentence should never have been included I am happy to delete it. The effect is that the case will now proceed in the way set out in the way anticipated in the preliminary hearing. Currently there is a hearing on disability status fixed for 24 June. I understand the claimant has, as set out in the note, provided additional evidence of disability to the respondent and it may be that the Respondent concedes disability in which case steps will be taken for the final hearing of the case
6. For the avoidance of any doubt I note that in her correspondence the claimant is critical of the imposition of the deposit order on 11 March. I am unclear if she has applied for reconsideration of this decision prior to submitting her appeal but if she has my position is that there is no reasonable prospect of the original decision to fix a deposit order being varied or revoked nor is there any reasonable prospect of the decision to strike out the relevant part of the claim following the non payment of the deposit being varied or revoked. The claimant appears to be seeking to simply re-argue the points already made by her at the hearing on 11 March. She is of course free to appeal these decisions to the EAT which I understand she may be in the course of doing.

I McFatridge

02 May 2025
