



EMPLOYMENT TRIBUNALS

Claimant: Mr Alex Minin

Respondent: Ringway Hounslow Highway Ltd

Heard at: London South via CVP **On:** 23 February 2026

Before: Employment Judge Beckett

Appearances:

For the claimant: in person

For the respondent: Mr Stuart Sanders (counsel)

RESERVED JUDGMENT

The Claimant's claims relating to age discrimination are struck out on the basis that there is no reasonable prospect of success.

REASONS

1. The parties appeared over CVP as previously agreed.
2. Parties had provided a bundle of documents (388 pages), the respondent had sent a skeleton argument (13 pages), and there was a witness statement from Mr Timothy Hurley (13 pages).
3. I was also sent the Case Management Order dated 16 October 2025 drafted by Employment Judge Ord.

Claims

4. The claims made relate to the following incidents:
 1. Age related harassment by the claimant's supervisor, Mr M Carter, on 9 January 2025;
 2. Age discrimination in respect of alleged failures by the respondent properly to investigate the claimant's complaints about that incident;
 3. Age discrimination in respect of the alleged imposition of a prohibition on the claimants using the toilet or drinking water without permission, known as the "alleged toilet ban" and "alleged thirst ban";
 4. Complaint about being transferred to a different geographical area as a single worker without his team, which was claimed as age discrimination and victimisation. The decision to move him was made by Mr T Hurley.
5. The respondent argued that the claims relating to age discrimination or age-related harassment should be struck out, or that in the alternative, deposit orders should be made.

Background and submissions

6. This is the third claim that the claimant has brought against the respondent. He remains employed by the respondent as a street cleaner.
7. The first claim was made in respect of alleged unfavourable treatment or harassment by his supervisor, Mr M Carter (MC), and alleged failures by the respondent to investigate complaints about such treatment, and allegations that he was prevented from drinking water or going to the toilet without first seeking permission.
8. The second claim alleged that the respondent's Grounds of Resistance in the first claim were themselves an act of discrimination.
9. The previous claims were both struck out by Employment Judge Corrigan on the basis that there was no reasonable prospect of success.
10. Specifically, EJ Corrigan found that the claimant "puts forward no basis for his conviction/ assumption that his treatment was because of his age... there is nothing to lead to an inference that the treatment is based on age rather than another protected characteristic, or indeed his political activities or anything else".
11. EJ Corrigan added that she had found that the claimant's case was "highly speculative" and included "assertions that are far-fetched and illogical".
12. Although not accepted by the claimant, it is clear that the EAT and the Court of Appeal have refused permission to appeal against EJ Corrigan's decision.

13. HHJ Auerbach in the EAT held that:

“the tribunal properly struck out the complaints because it properly found that in any event the claimant had not advanced any sufficient basis for contending that the conduct he complained of had anything to do with his age or could arguably raise a case to answer.

The tribunal found that his comparators were not arguable (this part of the reasons was not challenged). It also found that his own stance had been that the complaint was founded on his assumption, suspicion or conviction and/ or because he could not think of any other explanation; he had changed his position as to the explanation for some of the earlier conduct; and he relied upon contentions that were far fetched and implausible, such as, at one point, that the respondent was in a conspiracy with the Belorussian government, and that a number of different managers involved in disparate incidents over a large number of years had all picked on him because of his age; and that the respondent had wanted to get rid of him because of his age for some 8 years, yet he remained in his employ”.

14. The respondent therefore contended that several aspects of the claimant's claims involve relitigation of claims and matters already determined by the Tribunal, which is not permissible.
15. Counsel for the respondent set out their submissions relating to res judicata and issue estoppel in their skeleton argument at paragraphs 21 to 25 inclusive.
16. In essence, the claims relating to the alleged toilet and thirst bans were the subject of previous claims. The previous claim relating to those alleged bans was struck out as having no reasonable prospect of success, as well as a jurisdictional bar (out of time).
17. Within his previous claims, the claimant had sought to make a connection between treatment and age, and had used statistics and then 4 or 5 specific examples. Counsel for the respondent said that the new claim is the same as previously submitted. The statistics were considered and rejected by EJ Corrigan as not providing support to the claimant's theory.
18. The respondent submitted that the general conspiracy point was still a far-fetched and illogical assertion by the claimant. The findings of EJ Corrigan are equally applicable in this scenario as the assertions are made, a list of workers that the claimant states have been treated badly by the respondent has been provided but the claimant has not said why the treatment is connected to age.
19. Counsel also dealt with the names given by the claimant who had asserted that there was a conspiracy within the respondent firm to force out previous elderly workers. This argument was put forward previously and the respondent submitted that the tribunal is therefore bound by the decision of EJ Corrigan that there is no reasonable prospect of success.
20. Counsel argued that even if the tribunal decided to disregard the 4 names previously given in the earlier claim and to look at the 6 new names, that those names should and could have been raised in the previous claim and according

to *Henderson and Henderson* as the claimant is trying to bolster his old claim with new evidence. It was submitted that the claimant could not add new names.

21. Alternatively, if the tribunal were to look at the evidence fresh, the respondent submitted that the same reasons which prompted EJ Corrigan to find the wide-ranging conspiracy illogical and far-fetched should also prompt the tribunal to find the same. In doing so, it was submitted, I would have to exclude the 5 individuals that were found to not be appropriate comparators and not connected with the claimant's case, by EJ Corrigan and HHJ Auerbach.
22. In respect of the *Henderson and Henderson* point, the respondent submitted that if a matter could and should have been made in previous proceedings, a claimant should not be able to raise the matter in new proceedings. Counsel accepted that it was not a fixed rule, but a broad merits-based discretion. However, he submitted that the claimant should not be permitted to vex the respondent with repeated claims, drip feeding them when they could have been raised previously.
23. The claimant made his submissions using the interpreter.
24. In his submissions, the claimant stated that the respondent should not continue to speculate about the Belarussian dictatorship as he had admitted he was mistaken previously. He stated that it was not fair or ethical for the respondent's representative to keep repeating that topic.
25. He stated that discrimination cases should be looked at thoroughly and not dismissed unless they are speculative cases, and should not be dismissed at a preliminary hearing.
26. When asked specifically why the first incident complained of related to age, the claimant said that there had been a continuation of aggression from when he was attacked by MC in June 2020. He said it is related to age discrimination. He stated that it was a continuation of the act that started in 2020 and is still ongoing. He stated that the proof of this is the fact that the respondent is refusing to look at the claim and the incident that took place on 9 January 2025.
27. The claimant stated that he felt that he was persecuted because he had submitted his claim against MC. He said that he had submitted a written complaint to the respondent after he had been transferred for unequal treatment and that it had been almost 3 months and he had still not had a reply.
28. He stated that the situation started in 2014 and continued to 2026 and despite all the complaints to the tribunal it had not changed. He stated that he had been persecuted, and the respondent just wanted to get rid of him and they wanted him to leave his job, and that all the things about Belarussian politics was all nonsense.
29. I asked him again about why he said his claim related to his age.
30. The claimant responded, "because it is related to the same person, MC, who persecuted me in the past and who carries on doing the same thing, it relates to the claim filed in 2020". He stated that the 2020 claim was age discrimination

and that incident mirrors this incident now, it is completely the same, it is an integral element of it". He added that the claim in 2020 was not looked at and that MC had harassed him again in 2025, and that complaint had not been looked at.

31. I moved onto the second claim, and again asked why that related to his age.
32. The claimant said, "as I have mentioned previously, this incident mirrors the incident that took place in 2020 [when he was] harshly harassed by MC and I don't have any other choice". He then stated that he wanted to illustrate what had taken place on 9 January 2025. He said that MC had arrived at his workplace and had told him to leave his place of work, even though that was where he was supposed to be.
33. The claimant said that he tried to explain to MC the time that he was at his workplace, but he told the claimant he was not going to listen to him and to shut up. The claimant said that he told him to stop harassing him or he would go to complain to the employer. MC then called the employer in front of him, and he told the claimant that he "could complain as much as he liked no one cared about [his] complaints". He repeated that he was being persecuted and that this incident mirrored exactly the age discrimination claim that happened in 2020 it just happened "nowadays".
34. Dealing with the claim relating to transferred to the new route, the claimant said that he saw it as the consequences of him asking the employer to stop MC harassing him. He saw it as an integral part of the claim.
35. The claimant said that Mr Tim Hurley (TH) had told him that the reason for the transfer was the complaint made about MC in January 2025. The claimant then described that he had worked in his position for 20 years without any disciplinary actions, conflicts or disputes with his colleagues or his employers, and that he was a loyal and capable employee.
36. The claimant said, "the transfer that took place on 9 August 2025 was not related to my productivity, it was purely related to me filing a complaint".
37. The claimant then said he had written to the respondent twice, and explained that it was humiliating for him and his colleagues. He said that he was being punished for filing the complaint about MC and that it was not an isolated act as 5 other people worked in the same place, and he was the only one who was moved which for him is age discrimination.
38. When asked why he said it was age discrimination, the claimant said, "because I explained the reason I was transferred was because of my complaint of harassment and I look at the incident of harassment as age discrimination. And this incident mirrors the incident in June, it is completely identical. And it involves the same people, MC, TH and me".
39. Finally, I dealt with the claim relating to the alleged toilet ban and thirst ban, and why that was related to age.

40. The claimant stated that the restrictions were put in place in 2014 and 2015, and he was subjected to everyday bullying. He had asked a manager at that time if he was creating impossible conditions just to get rid of him, and the manager had just picked up a cigarette, smiled and not said anything.
41. The claimant stated that the restrictions made his work impossible, as they were constantly monitoring him and it was difficult to use the toilet. The claimant said that the fact that Judge Auerbach had admitted the restrictions were still in place nowadays was very important for him. He said that on 7 August TH made the decision to transfer. The claimant had sent an email asking for the restrictions to be lifted as Judge Auerbach had ruled that they were still in place and that they made his workplace a stressful environment.
42. He said that he had received a response from the respondent saying that they were not going to remove those restrictions, but there was going to be a compromise, and they would not monitor him as much for using the toilet and drinking water. He said it was just a continuation for him, and the discrimination was still active as the respondent had not lifted the restrictions. He stated, "that is why age discrimination is an integral part of it, all the actions that have been done against me, it has been going on for 10 years now. These actions are ongoing and there is no end to it".
43. In respect of the named comparators, he said that he had just chosen those names to illustrate the case, and that EJ Ord had directed him to expand the list so he had added the extra people. He said that the list could have been longer, but that he did not want to make mistakes as he did not know all the details as he did not have the personnel files that the respondent has.

Strike out application: the legal test

44. In respect of the relevant applications, the Employment Tribunals Rules of Procedure 2024 set out the relevant tests.
45. Rule 37 reads as follows:
 - (1) The Tribunal may, on its own initiative or on the application of a party, strike out all or part of a claim, response or reply on any of the following grounds-
 - (a) that is scandalous or vexatious or has no reasonable prospect of success;
 - (b) that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious;
 - (c) for non-compliance with any of the Rules or with an order of the Tribunal;
 - (d) that it has not been actively pursued;
 - (e) that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim, response or reply (or the part to be struck out).
46. The power under rule 37 should be exercised in appropriate cases, as the system should not be filled up with cases which are vexatious, or hopeless.

47. The Tribunal in certain cases will be able to strike out a claim or response, or part of a claim or response, where there is no reasonable prospect of success in respect of a contested issue. Given that the lead authorities repeatedly confirm that the Tribunal should be exceedingly cautious in striking out cases, one example where the Tribunal could exercise its discretion is where there is contemporaneous documentation that directly contradicts a pleaded case.
48. A claim or response can be struck out in full, or in part.
49. The application made by the respondent was that the claims should be struck out on the ground that there is no reasonable prospect of success.
50. If a claim is struck out, the case ends and the claimant is deprived of the opportunity to have his case determined. If a response is struck out in full, the case is treated as if no defence had been presented and the respondent is therefore liable to have a default judgment issued against them. This is obviously a severe sanction, which is why the authorities rightly caution against taking this step unless it is truly necessary in the circumstances.
51. For those reasons, a Tribunal should use the to use the strike out provisions in discrimination claims, as they are often fact-sensitive. However, it is also right that the time and resources of Employment Tribunals should not be taken up by having to hear evidence in “cases that are bound to fail” (per Lord Hope of Craighead in *Anyanwu v South Bank Students’ Union* [2001] IRLR 205 (HL)).
52. Tribunals should also be particularly cautious in exercising their power to strike out badly pleaded claims brought by litigants in person who are not familiar with articulating complex arguments in written form on the ground that they have no reasonable prospects of success (*Mbuisa v Cygnet Healthcare Ltd* EAT 0119/18).
53. However, it is also correct that Employment tribunals “should not be deterred from striking out claims, including discrimination claims, which involve a dispute of fact if they are satisfied that there is indeed no reasonable prospect of the facts necessary to liability being established” (per Underhill LJ in *Ahir v British Airways plc* [2017] EWCA Civ 1392).
54. There is a two-stage approach when considering whether a claim or response should be struck out (*HM Prison Service v Dolby* [2003] IRLR 694, EAT). First, the Tribunal should consider whether the relevant ground for strike out has been made out. Secondly, if it has, it should consider as a matter of discretion whether to strike out the claim or order that a deposit must be paid, taking into account the relevant circumstances. Lady Wise stated in *Hassan v Tesco Stores Ltd* UKEAT/0098/16, that the second stage is important as it is a fundamental cross check to avoid the ending prematurely of a claim that may yet have merit.
55. I must first consider whether any of the grounds set out in rule 38(1) as set out above have been established. In this case, the claimant relies on rule 38(1)(a). If there is a ground, I then must decide whether or not I should exercise my discretion to order strike-out: it is not automatic if a ground is established.

56. I have regard to the overriding objective set out in rule 3 of the Tribunal Rules 2024. This rule sets out that the Tribunal must deal with cases fairly and justly. This includes:
- (a) ensuring parties are on an equal footing
 - (b) dealing with cases in ways which are proportionate to the complexity and importance of the issues,
 - (c) avoiding unnecessary formality and seeking flexibility in the proceedings,
 - (d) avoiding delay, so far as is compatible with proper consideration of the issues, and
 - (e) saving expense.
57. The tribunal must therefore consider whether any steps short of striking out the claim or response could remedy any defect, and whether a lesser sanction is available and proportionate.
58. Where the central facts necessary to prove the claim are disputed, it will generally not be appropriate to strike out a claim, as it is not the function of a tribunal, when considering a strike out application, to conduct a mini trial. The proper approach is to take the claimant's case at its highest as it appears from the ET1 unless there are exceptional circumstances (*North Glamorgan NHS Trust v Ezsias* [2007] IRLR 603).
59. Guidance was given by the Employment Appeal Tribunal in the case of *Cox v Adecco and others* [2021] ICR 1307 in dealing with strike out applications against litigants in person. It was held that when considering strike out applications in such circumstances, the claimant's case should be taken at its highest and the Tribunal must consider, in reasonable detail, what the claims and issues are. A Tribunal should not strike out a claim where it does not know what the claim is. There should therefore be a reasonable attempt at identifying the claim and the issues before considering strike out. The EAT also stated that if the claim would have a reasonable prospect of success had it been properly pleaded, consideration should be given to the possibility of an amendment, subject to the relevant legal tests.
60. As the claimant is alleging discrimination, the burden of proof shifts in accordance with s136 EqA:
- (2) If there are facts from which the court could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court must hold that the contravention occurred.
 - (3) But subsection (2) does not apply if A shows that A did not contravene the provision.
61. To prove a prima facie case of discrimination, the claimant must show that he was treated less favourably than others were or would have been treated. In the present claim, the claimant has not advanced any basis on which he says the new alleged treatment was related to his age.
62. In respect of the claim relating to the alleged toilet and thirst bans, the claim has been previously litigated. "Where the existence or non-existence of a cause of

action has been decided in earlier proceedings, to allow a direct challenge to the outcome, even in changed circumstances and with material not available before, offends the core policy against the relitigation of identical claims” (*Virgin Atlantic Airways Ltd v Zodiac Seats UK Ltd* [2014] AC 160).

63. As per *Agbenowossi-Koffi v Donvand Ltd (t/a Gullivers Travel Associates)* [2014] EWCA Civ 8550) the doctrine of cause of action estoppel applies to all claims previously litigated, even if there is an attempt to link such claims or complaints to new allegations.
64. I have also considered the respondent’s argument in respect of abuse of process, or *Henderson v Henderson* estoppel, which is helpfully explained in *Johnson v Gore Wood and Co* [2002] 2 AC 1, and applies to this case:

“*Henderson v Henderson* abuse of process, as now understood, although separate and distinct from cause of action estoppel and issue estoppel, has much in common with them. The underlying public interest is the same: that there should be finality in litigation and that a party should not be twice vexed in the same matter. This public interest is reinforced by the current emphasis on efficiency and economy in the conduct of litigation, in the interests of the parties and the public as a whole. The bringing of a claim or the raising of a defence in later proceedings may, without more, amount to abuse if the court is satisfied (the onus being on the party alleging abuse) that the claim or defence should have been raised in the earlier proceedings if it was to be raised at all... [Whether such abuse arises] should...be a broad, merits-based judgment which takes account of the public and private interests involved and also takes account of all the facts of the case, focusing attention on the crucial question whether, in all the circumstances, a party is misusing or abusing the process of the court by seeking to raise before it the issue which could have been raised before.”

Findings

65. I have taken into account that the claimant is a litigant in person. Given the contents of the ET1 and subsequent submissions, I was not satisfied that he has pleaded his claims in sufficient detail for me to understand each of his claims. Therefore, in accordance with the authorities set out above, I asked specific questions to ascertain if there was any prospect of the claimant contending that the conduct complained of was related to age in any way or that he could arguably raise a case to answer.
66. As set out above, in order to prove a prima facie case of discrimination, the claimant must show that he was treated less favourably than others were or would have been treated. In the present claim, the claimant has not advanced any basis on which he says the new alleged treatment was related to his age.
67. In respect of the four claims set out above at paragraph 3 of this judgment, claims a, b and d all relate to matters that happened after the previous claims.

However, the claimant has not set out any new reasons why he says that the actions related to his age. He relies on matters which were raised in his previous claims. The Tribunal already decided that the matters that the claimant previously raised as being related to his age were not capable of giving rise to any reasonable prospect of the claimant succeeding on that issue. The “necessary ingredient” has already been decided against the claimant, and therefore he cannot rely on the same.

68. The claimant stated during the hearing that the claims mirrored the previous incidents.
69. The position in respect of claim c is different, as this was specifically decided by the Tribunal when it dismissed the claimant’s claim (the alleged toilet ban and thirst ban). The list of issues prepared for the current claims highlight the respondent’s submission that the claimant is now claiming exactly the same as he previously did. This claim is prohibited by cause of action estoppel. The issue has been finally decided by the Tribunal against the claimant, as EJ Corrigan struck out the previous claims.
70. In the current claim the claimant has not advanced any sufficient basis for contending that the conduct complained of was related in any way to his age. The claimant’s stance is founded on assumption, suspicion or conviction. He has stated that the issues relate to his age as there is no other explanation.
71. Taking the claimant’s case at its highest, the Tribunal could find that the claimant’s version of events in respect of the first claim was correct and that Mr C behaved as alleged. The Tribunal could also find that the respondent failed to investigate his complaints about that incident. Finally, the Tribunal could also find that the claimant was transferred to a new route
72. As set out above, in order to prove a prima facie case of discrimination, the claimant must show that he was treated less favourably than others were or would have been treated. In the present claim, the claimant has not advanced any basis on which he says the new alleged treatment was related to his age.
73. As the claimant is alleging discrimination, the burden of proof shifts in accordance with s136 EqA:
 - (4) If there are facts from which the court could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court must hold that the contravention occurred.
 - (5) But subsection (2) does not apply if A shows that A did not contravene the provision.
74. Therefore, the claimant would then need to show that he suffered less favourable treatment or unwanted conduct, and that the treatment was because of, by reason of, or related to his age. He must show that there are some facts that suggest the treatment might be because of or related to his age. This is the initial burden of proof.
75. The claimant has not shown any connection or nexus between the conduct he complains about and his age. He has repeatedly stated that the incidents are

age discrimination, but he cannot point to, for example, any language used as to his age, or any other facts to establish a nexus.

76. There has to be “something more” established by the claimant beyond the mere fact of less favourable treatment to show a nexus between the treatment and his age in order to satisfy that initial burden of proof (*Madarassy v Nomura International plc* [2007] ICR 867, and *Wheeler v Durham County Council* [2001] ECWA Civ 844). In this case, there is nothing more than assertions that the treatment was because of, by reason of, or related to his age.
77. Previously it was found that his case depended on a “far-fetched, illogical and implausible premise”. The claimant had originally believed that he had been singled out because the respondent was involved in a conspiracy with the Belarussian government due to complaints he had made to the Parliamentary Commissioner for Standards about his MP. During the hearing today, the claimant has disassociated himself from those previous assertions.
78. However, he maintains that the claims are the same as those previously brought before the tribunals; that they mirror the previous allegations.
79. Insofar as the issues have already been decided, the claimant is estopped from arguing the case again.
80. For the reasons set out above, and in respect of each allegation, I find that there is no reasonable prospect of success. Applying the principles clearly set out in *Madarassy* and *Wheeler*, the claims are bound to fail. The claimant’s assertions that the incidents are related to his age are merely assertions based on speculation or his own conviction.
81. Mere assertions are not sufficient to deal with the initial burden of proof.
82. I have reminded myself of the draconian nature of the strike out power and the importance of ensuring that the parties are on an equal footing. I must consider whether any alternative to strike out is proportionate.
83. Considering all the above, I find that the grounds for strike out under Rule 37 are met.
84. There is no reasonable prospect of the claims relating to age discrimination succeeding.
85. Having concluded that grounds for strike out have been established, I then have to consider whether or not to exercise my discretion to strike out the claims, or whether a deposit order would be appropriate.
86. As I am satisfied that there is no reasonable prospect of the claimant establishing the facts necessary to liability being established, I am also satisfied that this is a case where I should exercise my discretion, and that strike out is appropriate.
87. The claims relating to age discrimination and harassment are therefore struck out in their entirety.

88. The hearing listed will deal with the claim relating to victimisation (following the claimant being transferred to a different route) only.

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Employment Judge Beckett
Dated: 26 March 2026

Date sent to the parties
28 March 2026

For the Tribunal Office

P Wing