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EMPLOYMENT TRIBUNALS

Claimant: Mrs R. Kone

Respondent: Reynolds Catering Supplies Ltd

Heard at: Watford (by CVP)

On: 3 March 2022

Before: Employment Judge McNeill QC

Appearances

For the Claimant: Mr Onabote, Solicitor

For the Respondent: Ms C. Ibbotson, Counsel

JUDGMENT – PRELIMINARY HEARING

1. The Claimant's first claim, presented to the Tribunal on 17 September 2019, did not comply with s18A(8) of the Employment Tribunals Act 1996. The Claimant did not have a certificate that complied with s18A(4) at the time she presented her claim. It did not contain an early conciliation number in accordance with rule 12(1)(c) of the Employment Tribunals Rules of Procedure and erroneously confirmed that an early conciliation exemption applied, when it did not. That claim is therefore rejected.
2. The Claimant presented a second claim on 13 February 2020 with a statement in support of that claim, relied on as constituting particulars of her claim. Her application for leave to amend her claim to replace those particulars of her claim with a witness statement served on the Respondent on 23 March 2021 is refused.
3. The Claimant's claim is struck out. The claim particularised in her statement of 13 February 2020 is scandalous or vexatious or has no reasonable prospect of success; the Claimant failed to provide particulars of her claim until 23 March 2021 although she was ordered to provide particulars on 27 January 2020; the Tribunal concluded that it was no longer possible to have a fair hearing of the claim. The Tribunal struck out the Claimant's claim in the exercise of its discretion.

Employment Judge McNeill QC

Dated: 3 March 2022

Sent to the parties on: 17.3.2022

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For the Tribunal

Notes

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

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