



EMPLOYMENT TRIBUNALS

Claimant: Dr Ma Elena Hernandez-Hernandez

Respondent: (1) Imperial College Of Science, Technology And Medicine
(2) Professor Guy Nason
(3) Professor David Van Dyk

Heard at: London Central Employment
Tribunal (by CVP)

On: 24 September – 1 October
2024

Before: Employment Judge Anthony
Ms N Sandler
Mr S Pearlman

REPRESENTATION:

Claimant: Self-representing
Respondent: Mr D Isenberg (Counsel)

JUDGMENT

The following parts of the claim are struck out:

1. Complaint 1(a) - The first respondent's conduct consequent to the claimant requesting time off to attend a "Preliminary Hearing" amounted to harassment related to race.
2. Complaint 1(c) - The first respondent's conduct in referencing potential "legal processes" arising from any mistakes in examination setting amounted to harassment related to race.
3. Complaint 1(e) - The first respondent not placing the claimant upon a shortlist for the vacant I-X Lectureships amounted to discrimination on account of the claimant's race.
4. Complaint 1(f) - The second respondent not placing the claimant upon a shortlist for the vacant I-X Lectureships amounted to discrimination on account of the claimant's race.

5. Complaint 1(g) - The aforementioned harassment and discrimination constituted breaches of the implied contractual term of trust and confidence.

REASONS

1. On 16 February 2023, the claimant was ordered to pay a deposit of £2,500 divided as follows:

Complaint 1(a): £250

Complaint 1(b): £250

Complaint 1(c): £250

Complaint 1(d): £250

Complaint 1(e): £500

Complaint 1(f): £500

Complaint 1(g): £500

2. On 31 March 2023, the claimant made a payment of £500.00.

3. The claimant sent an email dated 3 April 2023. The email states:

“I have paid the deposit order to continue with my harassment claim against Respondent 1, Prof Guy Nason. Specifically, the payment corresponds to allegations 1a. and 1c. in Paragraph 1 of the Deposit Order issued by ET Judge Moxon.”

4. It would appear that the claimant, when sending the email dated 3 April 2023 may have been mistaken as to who respondent 1 and respondent 2 were. It seemed to the Tribunal that the claimant’s intention was to only pursue the complaint referencing attendance at a “Preliminary Hearing” and the complaint referencing “legal processes” against the second respondent, Professor Guy Nason. It seemed it was not the intention of the claimant to pursue these two complaints against the first respondent. However, the claimant also stated without ambiguity that she wished to pursue complaints 1(a) and 1(c) as set out in the Deposit Order.
5. The claimant informed the Tribunal that her mistake regarding respondent 1 and 2 had been noted and flagged by the respondents. Mr Isenberg took the Tribunal to the email dated 5 April 2023 from the claimant to the Tribunal (hearing bundle page 1461). The claimant clarified in this email that she was pursuing complaints 1(b) and 1(d) and the deposit payment was in respect of those complaints. Mr Isenberg confirmed this was the respondents’ understanding and the respondents were content that the payment pursuant to the deposit order was in respect of complaints 1(b) and 1(d).
6. On the basis of the parties’ submissions and the documentary evidence, complaints 1(a), 1(c), 1(e), 1(f) and 1(g) are struck out under rule 39(4) of the Employment Tribunals Rules of Procedure 2013 due to non-payment of a deposit.

**Employment Judge Anthony
1 October 2024**

Judgment sent to the parties
on:

11 October 2024

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For the Tribunal:

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