



EMPLOYMENT TRIBUNALS

Claimant: Mr S Gurung

Respondent: Ministry of Defence

JUDGMENT

The complaint of disability discrimination is struck out.

REASONS

1. By a letter dated 25th August 2022 the Tribunal gave the claimant an opportunity to make representations or to request a hearing, as to why the complaint of disability discrimination should not be struck out because
 - the claimant had not complied with the Unless Order of the Tribunal requiring him to provide a disability impact statement by 11th August 2022
 - the respondent applied for the claims of disability discrimination to be struck out due to the claimant's failure to comply with the Unless Order
 - the claimant failed to comment on the respondent's strike out application as directed
 - it has not been actively pursued.
2. The claimant has failed to make representations in writing, or to make any sufficient representations, why this should not be done or to request a hearing. The complaint of disability discrimination is therefore struck out.
3. The claimant's remaining claims remain listed for hearing on 18th January 2023.

Reasons

Whilst that sanction of the Unless Order was limited to preventing the claimant from relying on a disability impact statement to prove that the condition(s) relied upon amount to a disability, the claimant has failed to comply both with the Unless Order and the subsequent case management order to respond to the strike out application.

It appears therefore that he no longer actively pursues the claims of disability discrimination or those claims relying on the conditions said to be disabilities. Those claims are therefore struck out on that ground, and for breach of case management orders.

Employment Judge Midgley
Date: 8 September 2022

Judgment sent to the parties: 15 September 2022

FOR THE TRIBUNAL OFFICE