



EMPLOYMENT TRIBUNALS

Claimant: Ms S Simpson

Respondent: Ministry of Defence

Heard at: London Central by CVP

On: 29 June 2022

Before: Employment Judge Wisby (Sitting Alone)

Representation

Claimant: Ms Malik (solicitor)

Respondent: Mr Khan (Counsel)

JUDGMENT

The Judgment of the Tribunal is that:-

- (1) The Respondent's application to strike out the Claimant's age discrimination claim as falling outwith the jurisdiction of the Tribunal by virtue of paragraph 4(3) of Schedule 9 to the EA 2010 succeeds.
- (2) The Respondent's application to strike out the Claimant's allegations numbered 1 and 3 of the further and better particulars table ("FBT"), as falling outwith the jurisdiction of the Tribunal by virtue of section 121 Equality Act 2010 succeeds. Allegations numbered 4 – 9 inclusive, 11 and 12 of the FBT were withdrawn by the Claimant. Allegations numbered 2, 10, 13 – 19 of the FBT remain live to be determined at the final merits hearing.
- (3) It cannot be concluded by the Tribunal today that the Claimant does not have reasonable prospects of success of establishing that all of her complaints were presented in time. Accordingly whether the complaints were brought in time remains a live issue to be determined at the final merits hearing.

Employment Judge Wisby

Date 29.06.22_____

JUDGMENT SENT TO THE PARTIES ON

30/06/2022.

FOR THE TRIBUNAL OFFICE

Note

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