



EMPLOYMENT TRIBUNALS

Claimant: Mr L Grenside

Respondent: Gap Personnel Holdings Limited

JUDGMENT

The claim is struck out.

REASONS

1. The claim form asserted at box 2.3 that no early conciliation certificate was required because the respondent had already been in touch with ACAS. The claim form was not rejected as this was taken at face value.
2. The response form said the opposite. It appeared the claimant might have ticked this box simply because he had not undergone early conciliation.
3. By a letter dated 20 September 2021 the Tribunal gave the claimant an opportunity to provide some evidence that there had been contact between the respondent and ACAS before he presented his claim, or to request that this be considered at a hearing on 2 December 2021.
4. The claimant failed to reply. It appears that the box should not have been ticked. As that exemption did not apply, the claimant was required to undergo early conciliation before presenting his claim. Had he completed the claim form accurately it would have been rejected under Rule 12(2).
5. The claim is therefore struck out under rule 37(1)(a): the Tribunal has no jurisdiction to consider it and therefore there is no reasonable prospect of success.

Regional Employment Judge Franey
3 December 2021

JUDGMENT SENT TO THE PARTIES ON
6 December 2021

FOR THE TRIBUNAL OFFICE