



EMPLOYMENT TRIBUNALS

Claimant

Respondent

v

Mr C Ozkutan

Ladbrokes Gaming and
Betting Limited

Heard at: East London Hearing Centre (by telephone)

On: 12 September 2022

Before: Employment Judge Anderson

Appearances

For the Claimant: C Ozkutan (solicitor)

For the Respondent: R McCartney (solicitor)

JUDGMENT

1. The claim of constructive unfair dismissal and disability discrimination is not struck out.

REASONS

1. The respondent made an application on 16 June 2022 to strike out the claim on the grounds that no valid Early Conciliation (EC) Certificate was filed with the ET1, and when a valid EC certificate was filed 1 March 2022, the ET1 was not represented. Ms McCartney relied for the respondent on the case of *Pryce v Baxterstorey Ltd EA/2020/323/BA*. The claimant objected to the strike out in a letter dated 22 June 2022 in which he stated that he had filed an EC certificate with his ET1 when the claimant was originally presented on 4 February 2022. The proposed respondent was named as Entain Limited which he had understood to be the correct respondent as previous correspondence on this matter had come from Entain Limited.
2. After some investigation it was established that an EC certificate showing Entain Limited as the proposed respondent was filed with the claim form on

4 February 2022. The claim was rejected by the Tribunal because of this. The claimant applied for a review of the decision explaining that he had been paid by Entain Limited and had thought it was the correct respondent, and that he had now obtained an EC certificate identifying the correct resident. EJ Clark on 9 March 2022 accepted the application for a review and found the claim to have been properly issued.

3. Ms McCartney had been unaware that the Entain EC certificate was filed on 4 February 2022 and I accept that the full circumstances of the rejection and review were not clear to the respondent before today. Ms McCartney said that she maintained her application to strike out the claim and noted that the claimant was a solicitor by profession.
4. Having heard from both parties I am content that EJ Clark had jurisdiction to make the decision to accept the claim in accordance with *ET (constitution and Rules of Procedure) Regulations 2013, Schedule 1, Rules 2A and 3* and I refuse the application to strike out the claim.

Employment Judge Anderson

16 September 2022