



EMPLOYMENT TRIBUNALS

Claimant: Sebastian Krueger

Respondent: Stanhay Webb Ltd

On: Considered on the papers

Before: Employment Judge Adkinson sitting alone

JUDGMENT ON STRIKE OUT

1. The whole of the claimant's claim is **struck out**.
2. The reasons for the strike out are as follows:
3. The claimant's claim has no reasonable prospect of success (**Employment Tribunals Rules of Procedure rule 37(1)(a)**). The information in the claim form is incomprehensible. I indicated on 4 April 2023 that I was considering striking out the claim because it was incomprehensible and therefore had no reasonable prospect of success. I allowed the claimant 7 days to set out in writing why that should not happen.
4. The claimant wrote to the Tribunal on 10 April 2023 objecting. The reply does not clarify the claims in any way. They are still incomprehensible. He exhibits messages from his phone in support. They are in a foreign language and not translated and not comprehensible.
5. The Tribunal acknowledges that it provides interpreters for hearings. However it does not provide translators for work outside of hearings. That is the party's responsibility. I acknowledge the claimant's first language is not English. However, that does not excuse the need to present a claim in English and that can be understood. Even when I allow for grammatical errors and possible errors in vocabulary the claim makes no sense.
6. The claim is crucial to understanding the case and the issues that have to and do not have to be decided. It is not simply a document to get things started: see **Chandhok v Tirkey**. The Tribunal and respondent need to be able to see from the claim what is actually in dispute, even if it requires clarification at a case management hearing. This claim does not do that. It sets out no basis for any of the claims whose boxes the claimant ticked at question 8.1 on the claim form.
7. I have considered if the claim should nonetheless proceed to a preliminary hearing to consider clarification. Having considered the overriding objective

I have decided it should not. The respondent and Tribunal will have no idea what the case is about. It will mean the parties are not on an equal footing, it will increase delay because it will require a long hearing which will be months away, it will incur unnecessary expense. In addition the case management hearing will in essence involve the Tribunal having to construct a case because of how far it will have to go into matters to establish even the basics of the case. While Tribunals can and do assist, this goes beyond assistance to drafting the claim in the first place. It is a significant demand on the Tribunal and its resources in any case, and it will harm resources available for other litigants.

8. I am aware that Tribunals should be slow to strike out claims for discrimination and whistleblowing. However there is nothing set out that explains the basis of a claim for discrimination or whistleblowing.
9. I am also aware that unfair dismissal claims one should be slow to strike out the claim, especially as the initial burden is on the respondent and they are factually sensitive. However this presents no basis to allege an unfair dismissal. It is not even clear if he alleges he was dismissed, yet alone why he says it was unfair.
10. A fair trial is not possible if the Tribunal and respondent cannot understand the claim.
11. No lesser sanction is appropriate. The claimant has not sought to clarify his claim.

Employment Judge Adkinson

Date: 12 April 2023

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