



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms P White

**Respondent:** Compass Group UK & Ireland Ltd

**Heard at:** Manchester

**On:** 31 May 2018

**Before:** Employment Judge Franey  
(sitting alone)

## REPRESENTATION:

**Claimant:** Did not attend

**Respondent:** Mr A Joicey, Employment Relations Manager

# JUDGMENT

The claim is struck out because it has not been actively pursued.

# REASONS

1. This claim began with a claim form presented on 8 February 2018 in which the claimant brought complaints of disability discrimination arising out of her employment with the respondent which terminated in September 2017. A response form of 21 March 2018 resisted the complaints on their merits.
2. The case was listed for a preliminary hearing in person before Employment Judge Porter on 12 April 2018. Mr Joicey attended on behalf of the respondent but there was no attendance from the claimant, and no explanation why she had not attended.
3. By a letter of 16 April 2018 Employment Judge Porter warned the claimant that her case was at risk of being struck out and gave her until 30 April 2018 to provide an explanation for why she had not attended. The claimant provided that explanation by a letter of 27 April 2018. The letter said that she had sustained a scalding injury to her hand that morning and that she had been unable to attend or to contact the Tribunal.

4. As a consequence of that letter the case was re-listed for a preliminary hearing, this time by means of telephone conference call. Notice of the hearing was sent to the parties by a letter of 3 May 2018.

5. I conducted the telephone hearing at 11.30am as notified to the parties. Mr Joicey joined the conference call. The claimant did not. I waited ten minutes but there was still no attendance by the claimant. The Tribunal received no communication from the claimant prior to the hearing indicating that she was unable to attend. Mr Joicey said he had not heard anything from the claimant about the case leading up to this hearing.

6. As this was the second occasion upon which the claimant had failed to attend a hearing without any prior explanation or notification, I concluded that the claim was not being actively pursued. It is therefore struck out under rule 37(1)(d) of the Employment Tribunals Rules of Procedure 2013.

7. If there is a good reason why the claimant was unable to attend this hearing it is open to her to apply for reconsideration of this judgment within 14 days of the date upon which it is sent to the parties. Full details of the circumstances which prevented her attending the hearing and notifying the Tribunal that she was unable to do so must be provided if that application is to have any prospect of success. Any such application must be copied to the respondent.

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Employment Judge Franey

31 May 2018

JUDGMENT AND REASONS SENT TO THE PARTIES ON

15 June 2018

FOR THE TRIBUNAL OFFICE

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