



EMPLOYMENT TRIBUNALS

Claimant: Miss S. Bryan
Respondent: Women Like Me International Limited
Heard at: East London Hearing Centre (by CVP)
On: 11 April 2023
Before: Employment Judge Massarella

Representation
Claimant: Did not attend and was not represented
Respondent: Did not attend and was not represented

JUDGMENT

The judgment of the Tribunal is that: -

1. The Claimant's case is struck out under rule 37, schedule 1 of the ETs (Constitution & Rules of Procedure) Regulations 2013 because she failed actively to pursue it.

REASONS

1. The Claimant has failed to take steps to pursue her case, despite a strike-out warning from the Tribunal.
2. She did not respond to the Tribunal's letter of 27 February 2023, ordering both parties to confirm they were ready for the hearing.
3. On 14 March 2023, the Tribunal's legal officer wrote to the Claimant, warning her that her claim would be referred to a judge to consider striking it out because it appeared she was not actively pursuing her claim. She did not reply.
4. No documents were submitted for today's final hearing, contrary to the Tribunal's case management order of 6 December 2022.

5. Neither the Claimant nor the Respondent attended the hearing (which was by CVP).
6. The Claimant did not respond to the Tribunal clerk's email, sent to her shortly after 10 a.m., informing her that I was waiting to begin the hearing.
7. I am satisfied that the Claimant has failed actively to pursue her claim. I have reminded myself of the discussion of the use of the power to strike out for that reason in the case of *Rolls Royce plc v Riddle* [2008] IRLR 873, in particular at [18–19].
8. I have concluded that the Claimant's failure to comply with the Tribunal's orders is both deliberate and contumelious (disrespectful to the Tribunal).
9. Further, there is no basis on which I could conclude that the Claimant would alter her approach to the litigation, were I to permit the proceedings to continue. It is not proportionate for further Tribunal resources, administrative or judicial, to be assigned to dealing with this case, nor would it be just to the Respondent. A fair trial is no longer possible.
10. Accordingly, the case is struck out.

Employment Judge Massarella
Dated: 11 April 2023