



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4104321/2022

**Preliminary Hearing
Held on 17 March 2023**

Employment Judge A Jones

Mr O Beesley

**Claimant
No appearance**

Carbon Zero Business Services Ltd

**Respondent
No appearance**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

1. The claimant's claim is struck out in terms of Rule 37(1)(d) Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 Schedule 1 on the basis that the claimant has failed to actively pursue his claim.

REASONS

1. The claimant lodged a claim in respect of unpaid wages on 1 August 2022.
2. The respondent did not submit a valid response.
3. A preliminary hearing took place on 30 September 2022. At that hearing, the claimant was ordered to submit a detailed breakdown of the calculation of the sums which he seeks by way of wages and copies of supporting evidence by 21 October 2022.
4. The claimant was warned by letter of 28 November that an Employment Judge was considering striking out his claim for failure to comply with the Tribunal's Order.

5. A hearing to consider the strike out of the claimant's claim was set for today by letter dated 20 February. In the meantime, the claimant had provided information regarding the sums sought by him and documentary evidence in an email dated 24 January.
- 5 6. Parties were advised by letter dated 16 March that a final hearing would take place on 17 March in the event that the claimant's claim was not struck out.
7. There then followed correspondence from both parties with the Tribunal in relation to their ability to attend the hearing on 17 March.
8. In the event, neither party attended the Tribunal on the morning of the hearing. The clerk attempted to contact the claimant by telephone
10 unsuccessfully.
9. No application for postponement of the hearing was made by either party. It was not clear why the claimant did not attend the hearing. He did not respond to a message left on his voicemail after the hearing was due to commence.
- 15 10. In the circumstances the Tribunal is of the view that the claimant's claim should be struck out on the basis of his failure to actively pursue it. The claimant did not give any reason for his non-attendance or request a postponement of the hearing. The claimant had previously failed to comply with a Tribunal Order in a timeous fashion. In all these circumstances his
20 claim is struck out.

Employment Judge: Amanda Jones

Date of Judgment: 17 March 2023

Entered in register: 21 March 2023

25 and copied to parties