



EMPLOYMENT TRIBUNALS

Claimant: Ms A Collins

Respondent: Bright HR Limited

Heard at: Liverpool (by video)

On: 5 February 2024

Before: Employment Judge Benson

REPRESENTATION:

Claimant: no attendance

Respondent: Ms K Jackson - solicitor

JUDGMENT

The claim is struck out under Employment Tribunal Rules 37(1)(c) and (d) because the claimant has not complied with the Tribunal orders, and because it has not been actively pursued.

REASONS

1. The claimant did not attend the preliminary hearing listed for case management purposes on 23 October 2023 before Employment Judge McDonald. The claimant provided no explanation for her non-attendance and that hearing proceeded in her absence. Case management orders were made and included that the claimant must provide an explanation for her non-attendance, together with any supporting documentation within 7 days of the order. The claimant was warned that if she did not comply with the case management orders or did not actively pursue her claim that the respondent may apply to strike it out.
2. Today's hearing was listed as a public preliminary hearing to consider the issues identified by Employment Judge McDonald. These included: to clarify the issues, to consider whether the claimant claim of "ordinary unfair

dismissal” could proceed as the claimant did not have two years’ service, an application to amend the claim, whether the claimant was a disabled person and any amendment to the existing case management orders.

3. The respondent made application to strike out the claims by letter dated 9 November 2023 as the claimant had not complied with the Employment Judge McDonald’s orders and failed to actively pursue her claim. The claimant wrote to the Tribunal on 23 November 2023, but did not provide a coherent explanation why she did not attend the preliminary hearing on 23 October. She was however given the benefit of the doubt by Employment Judge Butler that she wanted to pursue her claims but warned that deadlines set by the Tribunal were mandatory not optional and that she must comply with the outstanding orders by 15 January 2024. Further that the respondent’s application to strike out may be considered at today’s hearing at the discretion of the Judge.
4. The claimant failed to comply with the Tribunal’s orders in any respect.
5. On 29 January 2024, 3 working days before today’s hearing she applied for a postponement on the grounds that she had been unable to obtain annual leave from her employment to attend the hearing. She said that she had a representative who could attend on her behalf who was fully versed in the case. The respondent objected to the application. The application was put before Employment Judge Eeley who directed that the claimant should by 2 February provide evidence of when she asked for time off work to attend the hearing and provide evidence as to the response and when that was received. She should also confirm details about who would represent her. Upon compliance with these orders, the Tribunal would consider the claimant’s application.
6. There was no response from the claimant and the application to postpone was refused.
7. The claimant did not attend today’s hearing and no explanation was provided.
8. The respondent’s application to strike out the claim was considered in the claimant’s absence. The claimant has provided no representations why this should not be done. I was satisfied that the sequence of events as set out above demonstrated that the claimant had failed to comply with the Tribunal’s orders of Judges McDonald, Butler and Eeley, having been given full and proper opportunity and having been warned of the consequences if she did not do so. I was further satisfied that the claimant has not actively pursued her claims.
9. The claim is therefore struck out.

10. The hearing fixed for 26 27 and 28 March 2025 is vacated.

Employment Judge Benson

Dated 5 February 2024

JUDGMENT SENT TO THE PARTIES ON

14 February 2024

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>