



EMPLOYMENT TRIBUNALS

Claimant: Ms C Elliott C1
Ms M Fretes C2

Respondent: Thanureka Jegajeevan

JUDGMENT

The claim is struck out.

REASONS

1. By a letter dated **9 December 2024**, the Tribunal gave the claimants an opportunity to contact the Tribunal by **23 December 2024** to make representations or to request a hearing, as to why the claims should not be struck out because they have no reasonable prospects of success.
2. This followed the earlier warning letter of **2 September 2024** to which C1 replied at 18:59 on 2 September, stating “I don’t understand this email”.
3. C1 has sent some replies to the Tribunal’s earlier correspondence (for example on 12 June 2024 and 17 February 2024). C2 has not sent any correspondence to the Tribunal since the claim was presented, and no correspondence at all has been received from any potential respondent.
4. The only early conciliation certificate mentioned in claim form names “Happytimes day nursery and preschool” as prospective respondent and C1 as prospective claimant. C2 brought her claim on the same claim form as C1 and is exempt from the requirement to obtain a separate early conciliation certificate.
5. However, both claimants have been notified that I am proposing to strike the claim out on the basis that there are no reasonable prospects of demonstrating that they complied with the obligation to go through early conciliation in relation to Thanureka Jegajeevan prior to presenting a claim form which named Thanureka Jegajeevan as the (only) respondent.
6. The letters of 17 February 2024, 2 September 2024 and 9 December 2024 explained clearly what information the Tribunal was seeking and why.

7. Rule 37(2) states that a claim may not be struck out unless the party in question has been given a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing. I am satisfied that they have had that opportunity.
8. Each claimant has failed to make representations in writing and has failed to ask for a hearing. Each claim is therefore struck out.
9. Any application for reconsideration must be made in accordance with the usual timescales, and should fully address the points raised in the Tribunal's letters of 17 February 2024, 2 September 2024 and 9 December 2024.

Employment Judge Quill

Date: 24 December 2024

JUDGMENT SENT TO THE PARTIES ON

22 January 2025

FOR THE TRIBUNAL OFFICE