



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4104379/2023

Employment Judge M Robison

Mr A White

Claimant

911 Rescue Recovery Ltd

Respondent

JUDGMENT

The claim is struck out under rule 37 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 on the grounds that (1) the claimant's failure to comply with orders, such that it is not possible to have a fair hearing in terms of (rule 37(1)(c)) and (2) the claim has not been actively pursued in terms of rule (37(1)(d)).

REASONS

1. The Tribunal has received no recent correspondence from the claimant in this case. The Claimant did not attend the preliminary hearing which took place on 16 January 2024. On the morning of the hearing the claimant e-mailed the Tribunal to advise that he was unable to obtain leave from work to attend the hearing and that he required to work for financial reasons. He asked for a postponement of the hearing which was refused given the lateness of the application. The note following the preliminary hearing was sent to the parties on 19 January 2024.
2. The claimant did not reply to the orders within the timescale set and a reminder was issued on 5 February 2024 to reply by 12 February 2024. No reply was received.

3. A further reminder was issued on 13 February 2024 to reply by 20 February 2024. No reply was received.
4. The respondent's representative by e-mail dated 13 February 2024 made an application to strike out the claim under Rule 37.
5. On 13 February 2024 the Tribunal gave the claimant an opportunity to give written reasons by 27 February 2024 or to request a hearing in order to consider why the claim should not be struck out.
6. The claimant has failed to respond and give reasons why such a judgment should not be made or to request a hearing. The Tribunal therefore strikes out the claim.

M Robison

Employment Judge

28 February 2024

Date of Judgment

Date sent to parties
