



EMPLOYMENT TRIBUNALS

London South Employment Tribunal

27th January 2025 (video)

Claimant: Kirsty Lee

Respondent: Eternal Care UK Ltd

Before: Judge M Aspinall (sitting alone as an Employment Judge)

Appearances: The claimant did not attend
Ms W Etebe for the Respondent

JUDGMENT

The claims are all struck out – unfair dismissal and discrimination on the basis of sexual orientation.

Reasons

1. The claimant's claim is struck out in its entirety pursuant to Rules 38(1)(a), (c) and (e), and 52(1)(c) of the Employment Tribunal Procedure Rules 2024.
2. By an order dated 3 January 2025, Employment Judge Krepski ordered the claimant to attend this further preliminary hearing listed for 27 January 2025 and to provide certain documents to the respondent and tribunal by 24 January 2025. The claimant was warned that failure to attend could lead to strike out of her claim.
3. The claimant failed to attend the preliminary hearing on 27 January 2025 and did not provide the ordered documents. Reasonable attempts were made to contact her prior to and during the hearing, but she did not respond.
4. On a fair reading of the claim form, the claimant appeared to lack sufficient qualifying service for an unfair dismissal claim. Her claim of discrimination on the grounds of sexual orientation also did not appear reasonably arguable based on what was stated.
5. In light of the claimant's repeated non-compliance with tribunal orders, her failure to attend hearings despite being warned of the consequences by two previous judges, and the apparent lack of merit in her claims, the tribunal has concluded:
 - a. Under Rule 38(1)(a), that the claim is scandalous and has no reasonable prospect of success.
 - b. Under Rule 38(1)(c), that the claimant has not complied with rules and orders.
 - c. Under Rule 38(1)(e), it is no longer possible to fairly proceed given the claimant's unexplained absence and non-compliance.
6. Striking out the claim is therefore appropriate under Rules 38(1)(a), (c) and (e)

Judge M Aspinall
Monday, 27th January 2025

Sent to parties
on:
Tuesday, 28th January 2025

For The Tribunal Office

Written reasons

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.

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in the joint Presidential Practice Direction on the *Recording and Transcription of Hearings* and accompanying guidance.