



# EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4103183/2018

Employment Judge: Ian McPherson

Mr Alan Grant

Claimant

Buzzworks Holdings Limited

Respondents

## 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 the manner in which the proceedings have been conducted by the claimant has been unreasonable, in terms of Rule 37(1)(b);

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- of non-compliance with the Rules of Procedure and an Additional Information Order of the Tribunal issued on 22 May 2018, and failure to return date listing stencil due

by 9 April 2018, and failure to comply with paragraph 3 of the standard Case Management Orders issued on 22 May 2018, in terms of **Rule 37(1)(c)**;

- that the claim has not been actively pursued, in terms of **Rule 37(1)(d)**; and
- that it is no longer possible to have a fair hearing of the claim, in terms of **Rule 37(1)(e)**.

## REASONS

1. Following ACAS early conciliation between 22 January and 22 February 2018, the claimant presented his ET1 claim form to the Employment Tribunal on 6 March 2018, complaining that he had been unfairly dismissed by the respondents.
2. His claim was accepted by the Tribunal on 12 March 2018, and a copy served on the respondents. On 9 April 2018, an ET3 response was lodged by solicitors acting for the respondents, defending the claim, and seeking further specification from the claimant as to why he believed there had been an unfair dismissal, and what, if any, were the other types of claim that the claimant intended to bring against the respondents, he having ticked a box at section 8.1 of the ET1 to say he was bringing other claims, but he had not provided any specification.
3. That response was accepted by the Tribunal on 13 April 2018, and a copy sent to the claimant. Following Initial Consideration on 22 May 2018, standard Case Management Orders were issued for the purpose of a Final Hearing, including, at paragraph 3, that the claimant should send to the respondents, copied to the Tribunal, within the next 21 days, a detailed schedule of loss, and mitigation evidence. The Judge also issued an Additional Information Order for compliance by

the claimant, by 28 May 2018, to provide further and better specification of his claims against the respondents.

4. On 1 June 2018, the respondents' solicitors write to the Tribunal, with copy to the claimant, stating that they had not received any communication or response from the claimant, and it appeared that he had failed to respond at all to the Tribunal's Orders dated 22 May 2018. If they did not hear from him by 5 June 2018, they stated that they would be inviting the Tribunal to strike out the claimant's claims in their entirety per **Rule 37**.
5. On consideration by the Judge, on 6 June 2018, I decided that it was not appropriate to strike out the claim, per the respondents' **Rule 37** application at that stage, and I instructed that a Strike Out Warning letter be issued to the claimant.
6. Thereafter, on 21 June 2018, the Tribunal issued a Strike Out Warning letter to the claimant. The Tribunal gave the claimant an opportunity to give written reasons by 28 June 2018 or to request a Hearing in order to consider why the claim should not be struck out.
7. The claimant has failed to reply to that Strike Out Warning, and failed to give an acceptable reason why such a judgment should not be made or to request a Hearing. The Tribunal therefore strikes out the claim.

Employment Judge: Ian McPherson  
Date of Judgment: 13 July 2018  
Entered in register: 17 July 2018  
and copied to parties