



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4106723/2017

Employment Judge: Ms M Robison

Miss A MacKie

Claimant

Hanover(Scotland) Housing Association 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 claim has not been actively pursued in terms of rule 37(1)(d)

REASONS

1. The claimant lodged a claim in the Employment Tribunal on 20 November 2017 claiming unfair dismissal, and the respondent lodged a defence to the claim on 20 December 2017.
2. The claimant was requested on 27 December 2017 by the Tribunal to provide further information by 6 January 2018, but she failed to reply. On 16 January 2018, although that was not in the form of an order, the respondent submitted that the claim should be struck out on the grounds that the claimant had failed to comply with the Tribunal direction of 27 December 2017, failing which that the claimant had failed to actively pursue the claim. That e-mail of 16 January was copied to the claimant.
3. On 30 January 2018, the Tribunal wrote again asking for a response by 6 February 2018, but the claimant did not reply. A reminder was issued following the respondent's request for an update on 9 January 2018. On 15 March, a further letter was sent to the claimant from the Tribunal stating that she should advise the Tribunal by 22 March 2018 whether she intended to pursue her claim.
4. By e-mail dated 23 March 2018, the claimant responded, explaining in some detail the facts she would rely on in support of her claim, and including the following: "my response to confirm there is arguable complaints within the jurisdiction of the tribunal...due to the financial situation (the respondent) left me in was unable to obtain a lawyer but I found a lawyer who is very interested in my case I have an appointment on Wednesday so therefore I will have legal representation to continue with this tribunal, who will contact yourselves".
5. Neither a representative of the claimant nor the claimant herself has contacted the Tribunal since. This is despite the respondent re-making the application for strike-out, which was copied to the claimant on 27 April 2018, when the Tribunal asked for an update and for the claimant to confirm whether she was represented or not, and to reply by 4 May 2018. No reply was received from the claimant. On 16 May 2018, the respondent renewed the application for a strike out.
6. On 24 May the Tribunal gave the claimant an opportunity to provide written reasons by 31 May 2018 or to request a hearing in order to consider why the claim should not be struck out. That letter was sent to the claimant by e-mail and by post. No response has been received from the claimant.

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7. The claimant has 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: M Robison
Date of Judgment: 06 July 2018
Entered in register: 11 July 2018
and copied to parties