



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss K Osborne

**Respondent:** J F Hutchings Ltd

**Heard at:** Cardiff **On:** 29 August 2019

**Before:** Employment Judge Harfield  
Members Mrs L Bishop  
Mr W Horne

**Representation:**

Claimant: Did not attend

Respondent: Mr Tunley (Counsel)

## JUDGMENT

1. The claimant's claim is struck out as it has not been actively pursued.
2. The claimant did not attend today. She did not attend the telephone preliminary hearing on 6 March 2019 but did make contact on 12 March 2019 by email, from which it is evident the claimant had not understood she needed to dial in to the telephone hearing. She requested that the date of the hearing be moved. She was therefore in receipt and aware of the case management orders made in her absence. Following her postponement request the case was relisted for 29 and 30 August 2019. Notice of the hearing was sent by the tribunal to the email account that the claimant provided that is the same email address that the claimant emailed the tribunal from on 12 March 2019.
3. On 27 August 2019 the respondent applied to strike out the claimant's claim. That email was copied to the claimant. The respondent asserted that the claimant had not complied with the case management directions including provision of documents or a witness statement or to generally respond to emails or text messages. The respondent's solicitor identified that he had been able to speak to the claimant that day on the telephone

and she indicated she was unable to proceed as she did not have legal representation and that she was intending to email the tribunal to withdraw her claim. The tribunal staff are unable to locate receipt of such an email from the claimant. On 28 August 2019 Regional Employment Judge Clarke directed the claimant, in an email, to respond by 2pm that day to explain why she had not complied with the case management orders. Later that afternoon in the absence of a response from the claimant Regional Judge Clarke declined to strike out the claimant's claim given the limited time in which she had had to respond by that time. He indicated that the tribunal would consider at the outset of today's hearing whether to strike out the claim. The claimant therefore had further time in which to contact the tribunal to explain her position or to withdraw her claim but has not done so. I asked the tribunal staff to telephone the claimant this morning but they were unable to do so as she had not provided a contact telephone number.

4. The tribunal are satisfied that the claimant has had sufficient notice of this hearing and of the case management directions that should have been complied with and that the claimant has not actively pursued her claim. It is therefore struck out.
5. Mr Tunley indicated that the respondent wished to make an application for costs against the claimant. The tribunal declined to deal with the application on the basis that the claimant should have an opportunity to respond. The respondent must therefore write in with any application for costs, copied to the claimant, within 28 days. A judge will then issue further directions.
6. A copy of this Judgment will be sent to the claimant by email and by post.

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Employment Judge Harfield  
Dated: 29 August 2019

JUDGMENT SENT TO THE PARTIES ON 3 September 2019

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS