



EMPLOYMENT TRIBUNALS

Claimant: Mr P Simon

Respondent: Integrity Property Management Limited
(In Administration)

JUDGMENT

The claim is struck out.

REASONS

1. The proceedings were stayed in June 2018 because the respondent was about to go into administration. It went into administration on 17 July 2018. On 11 August 2018 the stay was extended to allow the claimant to seek permission from the administrator to proceed.
2. On 3 October 2018 an update was sought. No response was received. A strike out warning was issued on 29 October 2018 requiring a reply by 12 November 2018. On 12 November the claimant replied asking for the stay to remain in place until the administration ended. Proceedings were then stayed until 5 July 2019.
3. In July 2019 the solicitors for the respondent indicated that the administration had been extended to July 2020 and sought a stay until then. The claimant agreed.
4. This stay was not approved by the Tribunal. A stay of a further 12 months did not appear in accordance with the overriding objective of having a fair and just hearing, which includes avoiding delay. The events on which the claimant relies in his case go back to 2016 and a fair trial will become increasingly unlikely the longer it is before the case can be heard.
5. Instead, on 6 September 2019 the tribunal wrote to the claimant to ask him if he intended to seek consent from the administrator to proceed, and, if refused, then to apply to the court for permission to do so. He did not reply. A reminder was sent on 5 October 2019. There was still no reply.

6. Accordingly, by a letter dated 23 October 2019 the Tribunal gave the claimant an opportunity to make representations, or to request a hearing to do so, as to why the claim should not be struck out because it had not been actively pursued.

7. The claimant has not replied objecting to his claim being struck out. The claim is therefore struck out because it has not been actively pursued since the stay ended in July 2019.

Employment Judge Franey

14 November 2019

JUDGMENT AND REASONS SENT TO THE
PARTIES ON

19 November 2019

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Miss E Heeks

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FOR THE TRIBUNAL OFFICE