



# EMPLOYMENT TRIBUNALS

**Claimant**

Mr S Walker

v

**Respondent**

Gala Leisure, Trading As Gala Bingo.

**Heard at:** Bury St Edmunds

**On:** 2 December 2019

**Before:** Employment Judge Cassel

**Members:** Ms J Schiebler and Mr D Hart

**Appearances**

**For the Claimant:** Did not attend and was not represented.

**For the Respondent:** Mr P Sands, Solicitor.

## JUDGMENT

1. The claims of disability discrimination and constructive unfair dismissal are struck out under rule 37 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

## REASONS

1. In a notice of hearing sent to the parties on 6 September 2019 the claim was listed for hearing before the Tribunal for 4 days commencing today, 2 December 2019.
2. Mr Sands, who appeared for the respondent attended promptly and we were provided with bundles of documents, extending to over 440 pages and on enquiry the witness statements had been signed but apparently had not been exchanged. Mr Sands told us that several attempts at exchange had been made but there had been no response from the claimant.

3. The claimant did not attend when the case was called at 10am and we put the case back until 11am to make further enquiries. During that time our clerk telephoned the claimant on the telephone numbers indicated in the claim form but to which there was no response. We again called the case at 12 midday and again there was no appearance by the claimant.
4. We heard from Mr Sands who applied to strike out the claims under Rule 37 of the rules of procedure. The application was made on the following bases: that the claimant had not responded to any emails or correspondence from the respondent under rule 37(b), that he had failed to comply with orders made by Tribunal under rule 37(c) and under 37(d) that the claim has not been actively pursued.
5. He provided us with a bundle of documents showing a number of emails from the respondent to the claimant and stated that there had been no response.
6. We were also shown documentation in relation to the orders that had been made by the Tribunal and a lack of response to further documentation sent by the respondent in respect of those orders.
7. Having heard those representations and considered the documents that had been presented to us we decided to strike out the claim under rule 37.

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Employment Judge Cassel

Date: 6 December 2019

Sent to the parties on: .....

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For the Tribunal Office