



EMPLOYMENT TRIBUNALS

Claimant: Mr D Martin

Respondent: Abellio London Limited

JUDGMENT

The claim is struck out.

REASONS

1. The respondent's application that the claimant's claim be struck out under Rule 37(d) that it has not been actively pursued succeeds.
2. Further to EJ Baron's Order sent to the parties on 17/11/2018, the history appears to be:

6/5/2016 ET1 presented, minus the grounds of complaint.

EJ Baron's Order sets out the 'history of the claim'.

29/9/2017 the ET requested the grounds of complaint.

24/10/2017 the respondent requested the same.

1/11/2017 and 28/11/2017 the ET repeated its request.

18/4/2018 as the claimant's representative had contacted the ET and had indicated he had been informed the case was no longer proceeding, the ET requested a copy of that correspondence.

6/7/2018 the ET asked the claimant's representative to notify it of the current position of the claim.

14/9/2018 the claimant instructed new solicitors who went onto the record.

9/11/2018 a preliminary hearing took place. The claimant was ordered to present the grounds of complaint by 30/11/2018.

7/1/2019 the original grounds of complaint dated 6/5/2016 were provided.

20/5/2019 the ET asked the respondent for comments and the respondent relied on 24/5/2019.

3. Having originally requested a copy of the grounds of complaint on 24/10/2017 and then on numerous occasions since then, having Ordered the claimant to provide a copy (when represented by a solicitor at a preliminary hearing) by 30/11/2018, then only providing that document on 7/1/2019 without any further explanation and not then making any further enquiry as to the status of the claim (bearing in mind it was first presented on 6/5/2016), the Tribunal is satisfied the claim has not been actively pursued and it is struck out as a result.

Employment Judge Wright
28 November 2019