Case No. 1804364/2019



## **EMPLOYMENT TRIBUNALS**

**BETWEEN:** Miss M Robinson

and

1. Sparkleen Commercial Limited 2. Mr Andrew Maskill **Respondent** 

Claimant

## JUDGMENT

The claim of disability discrimination against both Respondents is struck out.

## REASONS

- 1. At a Preliminary Hearing on 9 October 2019 the Tribunal made an Order requiring the Claimant to provide the Tribunal and the Respondent with details of the disability upon which she relies in relation to her claim of disability discrimination and a copy of her GP records as they relate to that condition. She failed to comply.
- 2. With a view to using its power under Rule 37(1)(c) of its Rules of Procedure to strike out a claim for failure to comply with an Order, on 6 January 2020 the Tribunal warned the parties that it was proposing to strike out the claim of disability discrimination because of the Claimant's failure to comply with the Order of 9 October 2019 to provide details and evidence of her disability. The Order gave the Claimant until 24 January 2020 to make representations about that proposal or to request a Hearing at which could make them. The Claimant did not respond to that warning.
- 3. In the absence of any detail from the Claimant or evidence from her GP about the nature of her disability, it is not possible for the Respondents to know the case they have to answer in relation to disability discrimination nor for the Tribunal to manage this aspect of the claim to a Hearing. She has been given fair warning that the Tribunal is proposing to strike out this aspect of her claim but she has not responded.

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4. The Tribunal is satisfied that it is fair and just in all the circumstances to strike out this aspect of the claim. This does not affect the other aspects of the claim which now need to be prepared for hearing. These proceed against the First Respondent only, as the Claimant's employer.

Employment Judge Cox Date: 28 January 2020