



EMPLOYMENT TRIBUNALS

Claimant

Mrs M Whittaker

v

Respondent

Central Milton Keynes Medical Centre

Heard at: Cambridge

On: 04 March 2020

Before: Employment Judge Cassel (sitting alone)

Appearances

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

For the Respondent: Mr R Aireton, Solicitor.

JUDGMENT

1. The claims of constructive unfair dismissal and wrongful dismissal brought by the claimant are struck out.

REASONS

Background

1. In her claim to the Tribunal the claimant, Mrs M Whittaker, claimed that she was constructively unfairly dismissed and was unlawfully discriminated against on the grounds of sexual orientation and disability.
2. The claims of disability discrimination and sexual orientation were dismissed on withdrawal on 25 June 2019 when a preliminary hearing took place and case management orders were made by Employment Judge Kurrein.
3. The date for the open preliminary hearing scheduled to take place today was fixed during the hearing at which the claimant attended.
4. The case management orders were incorporated into a document that was sent to the claimant on 11 July 2019 at which the hearing date was clearly noted.

The hearing

5. The case was called at 12.10pm and enquiries were made to see whether the claimant was in attendance or whether any reason had been provided as to non-attendance. I looked through the Tribunal file and no written application for an adjournment had been made.
6. The issues to be considered today were explained in some detail at paragraphs 4 and 5 of the case management summary.
7. Under the reasons provided at paragraph 3 was a list of those matters on which the claimant relied to bring her case for constructive unfair dismissal and breach of contract.
8. At the earlier hearing Employment Judge Kurrein explained at paragraph 5, that “the respondent’s conduct might be viewed as falling within management’s prerogative to manage and she was clear that she did not want to rely on any of the other matters set out in her claim”.
9. Mr Aireton who appeared today for the respondent provided me with a substantial bundle of documentation which included emails to and from the claimant as well as other written documentation.
10. He made helpful and extensive submissions and reminded me of the powers under rule 37 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.
11. Under rule 37 a Tribunal has power to strike out all or part of a claim if it concludes it has no reasonable prospect of success.
12. Having heard the representations and having been taken to the relevant documentation that is the conclusion I reach. I therefore strike out the remaining two claims of wrongful dismissal and constructive unfair dismissal.

Employment Judge Cassel

Date: 17 March 2020

Sent to the parties on:

.....23 March 2020.....

For the Tribunal:

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