



EMPLOYMENT TRIBUNALS

Claimant: Mr S Goldpresi

Respondent: Network Rail

JUDGMENT

The claim is struck out.

REASONS

1. In its judgment of 26 September 2019, I gave the claimant an opportunity to make representations or to request a hearing, as to why the claims of Breach of Contract, Wages Act and Working Time Regulations annual leave should not be struck out because:

it has not been actively pursued.

2. Since this date, the claimant has been requested to comply with this order in the Tribunal letters of 24 December 2019 and 13 February 2020. The letter of 13 February 2020 requested that the claimant provide the information in relation to these claims within 7 days failing which the claims will be struck out.

3. Although the claimant replied on 20 February 2020, he has failed to make any sufficient representations, why this should not be done or to request a hearing. The claim is therefore struck out.

4. While the claimant has attempted to provide medical information supporting his argument that he has been unable to fully participate in these proceedings, I have not seen any, or any sufficient medical evidence which

supports the contention that he could not attend the preliminary hearing on 26 September 2019 or respond within the time limits provided in that order. In any event, he has been given additional time to properly respond to my order and taking into account the provisions of the overriding objective and my general case management powers, it would not be in the interests of justice to allow the

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claimant any more time in this matter. He has simply failed to actively pursue this matter and without good reason being given to explain this failure.

5. Taking into account my earlier decision to reject the claims against the second and third respondents and to strike out the complaints of race discrimination and section 103A unfair dismissal at the open preliminary hearing on 26 September 2019, the consequences of this judgment are that all of the claims which the claimant has brought in these proceedings have now either been rejected or struck out.

Employment Judge Johnson

Dated: 4 May 2020

JUDGMENT SENT TO THE PARTIES ON

.....5 May 2020.....

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FOR THE TRIBUNAL OFFICE

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