



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Pawel Waltos

**Respondent:** Veolia ES (UK) Limited

## JUDGMENT

The claim is struck out.

## REASONS

1. This matter was considered at a preliminary hearing by telephone on 27 March 2020, which the claimant failed to attend.
2. A previous preliminary hearing was held on 30 August 2019 which the claimant did attend. Directions were given at that hearing for a Schedule of Loss to be provided by 28 September 2019 and for the parties to provide mutual disclosure of documents by 25 November 2019.
3. By letter dated 28 November 2019 the respondent applied for the claim to be struck out on the basis that the claimant had not complied with these directions or responded to any further communications.
4. At the hearing on 27 March 2020 Mr Swaine for the respondent's solicitors confirmed that the position remained the same and that no communications had been received from the claimant since the previous hearing, about seven months earlier. A further direction for exchange of witness statements on 24 February 2020 had also been ignored.
5. Rule 37(1) of the Employment Tribunal Rules of Procedure provides that a claim may be struck out for non-compliance with an order of the Tribunal or because it has not been actively pursued. Both these grounds apply and so the claim is struck out.

Employment Judge Fowell

Date 04 June 2020