



EMPLOYMENT TRIBUNALS

Claimant: Mr K Wheatley

Respondent: Voyage 1 Ltd

JUDGMENT

The claim is struck out.

REASONS

1. On 16 December 2019 Employment Judge Livesey required the parties to inform the Tribunal by 23 December 2019 as to the number of witnesses they intended to call and the time estimate for a final hearing. The Claimant did not respond.
2. On 9 January 2019 Employment Judge Bax required the Claimant to respond to the Tribunal's letter dated 16 December 2019 by 16 January 2020. The Claimant did not respond.
3. On 27 January 2020 the Tribunal informed the Claimant that Employment Judge Livesey was considering striking out the claim because it was not being actively pursued and any objection to the proposal was required by 3 February 2020.
4. On 28 January 2020 the Claimant's representative said that there had been a delay, because the police had not carried out a full investigation against the Claimant. The Claimant considered the Respondent's allegations to possibly have been illegal and was in discussions with the police. The representative asked what steps could be taken to postpone the proceedings.
5. On 13 February 2020 Employment Judge Cadney directed that, "Employment Tribunal proceedings will normally be stayed if there are ongoing criminal proceedings. The Claimant appears to suggest that there are not. If this is correct, there would not appear to be any reason not to give directions and list the case for a hearing." The Claimant was asked why he was seeking a further postponement and required to respond by 20 February 2020. The Claimant did not respond.

6. By a letter dated 26 February 2020 the Tribunal notified the Claimant that Employment Judge Livesey was considering striking out the claim. The Claimant was given an opportunity to make representations or to request a hearing, as to why the claim should not be struck out because the claim was not being actively pursued. The Claimant was required to make any representations or to request a hearing by 4 March 2020. The Claimant failed to make representations in writing, or failed to make any sufficient representations, why this should not be done or to request a hearing.

7. The Claimant was asked on 2 occasions to provide information about his witnesses and the time estimate for the final hearing. The Claimant only responded to Tribunal after he was warned, on 27 January 2020, that the claim could be struck out. The Tribunal sought further clarification from the Claimant, however the Claimant failed to respond, hence the Claimant was warned again on 26 February 2020 that consideration was being given to striking out the claim. The Claimant has persistently failed to respond to correspondence from the Tribunal. It was concluded that he was not actively pursuing his claim and has failed to comply with Orders from the Tribunal. Therefore, the claim is struck out.

Employment Judge Bax

Dated: 11 March 2020