



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Siphika

**Respondent:** Wickes Building Supplies Limited

## STRIKE OUT JUDGMENT

1. The “whistleblowing” claim (automatic unfair dismissal and/or detriment) and the claim for pay arrears in relation to commission are struck out pursuant to Rule 37(1)(c) of the Employment Tribunal Procedural Rules 2013 as the claimant has failed to comply with the Tribunal’s order, dated 20 May 2019.
2. The claims of ordinary unfair dismissal and wrongful dismissal can proceed.

## REASONS

1. At a case management hearing on 8 May 2019, the claimant was granted leave to amend his claim to include allegations of whistleblowing and a claim for pay arrears. Accordingly, by a case management order dated 20 May 2019, the claimant was ordered to provide further particulars of his complaint of whistleblowing and his claim for pay arrears by 5 June 2019.
2. The claimant did not comply with the above-mentioned orders by the due date and that default has continued despite a strike out application from the respondent on 21.6.19, and correspondence from the Tribunal on 3.7.19, 4.9.19 and 20.2.20 chasing the information.

**Case No: 2300234/2019**

3. The Tribunal put the claimant on notice that if he failed to comply with the outstanding orders by 27 February 2020, the whistleblowing claim and his claim for commission payments would be struck out.
4. Although the claimant has written to the tribunal stating that he has complied with the orders, the Tribunal has not received any evidence of this, neither has the respondent.
5. The claim is therefore struck out as for non-compliance with tribunal orders.

Employment Judge Balogun

13 May 2020