



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4112770/2018

Mr S Din

Claimant

Bristol Street Fourth Investments Ltd

Respondents

JUDGMENT

The claim is struck out under rule 37 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 on the grounds that the claim has not been actively pursued in terms of rule 37(1)(d).

REASONS

- 1 The claimant presented a claim to the Employment Tribunal on 26 July 2018. The claimant's representative was advised by letter of 1 August 2018, that a Preliminary Hearing had been arranged for 12 October 2018.
- 2 There was no appearance by or on behalf of the claimant at the Preliminary Hearing on 12 October 2018. The claimant's representative was telephoned but there was no response.

- 3 The claimant's representative subsequently contacted the Employment Tribunal to advise an email had been sent at 8am on 12 October 2018 stating that due to a change in circumstances the claimant would not attend the hearing. The Employment Judge noted no such email had been received.
- 4 The Employment Judge directed, in a Note dated 12 October 2018, that the claimant, should, by 19 October 2018, confirm to the Employment Tribunal in writing why he was not in attendance at the Preliminary Hearing and whether he intended to proceed with his claim.
- 5 The claimant did not comply with this direction. A letter dated 2 November 2018 was sent to the claimant's representative requesting a response/explanation. No reply was received.
- 6 On 15 November 2018 the Tribunal gave the claimant an opportunity to give written reasons by 22 November 2018 or to request a hearing in order to consider why the claim should not be struck out.
- 7 The claimant has failed to give an acceptable reason why such a judgment should not be made or to request a hearing. The Tribunal therefore strikes out the claim.

Employment Judge:

Lucy Wiseman

Date of Judgement:

27 December 2018

Entered in Register,

Copied to Parties:

28 December 2018