



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4111714/2019 (A)

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Held via telephone conference call on 26 May 2020

Employment Judge L Doherty

10 Miss Z Wigham

Claimant
Not present and
Not represented

15 Ago

First Respondent
Not present and
Not represented

20 Lakemere Global Holdings Limited (In Liquidation)

Second Respondent
Not present and
Not represented

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

25 The judgment of the Employment Tribunal is that the claim is struck out under Rule 37 (1) (d) of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013 (the Rules) on the grounds that it has not been actively pursued.

REASONS

1. The claimant presented a claim to the Employment Tribunal on 15 October 2019 under number of jurisdictions. The claim was presented against both the first and second name respondents, neither of whom responded to the claim.
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2. A Hearing was fixed for 10 January 2020 to determine the claim, including the identity of the respondent. The claimant did not attend the hearing on 10 January 2020; however, she telephoned the Employment Tribunal shortly after the hearing took place to advise that she had not received Notice of the Hearing. In the circumstances the Tribunal directed that the case be listed for
35 a further hearing, which was fixed for 31 March 2020.

3. The claimant emailed the Tribunal on 6 February 2020 confirming that she was unable to attend the hearing on 10 January 2020. The Tribunal wrote to her on 10 February 2020 asking her to confirm which of the respondents was potentially liable for the claim, and asking her to provide specification of each of the elements of claim made and how this was calculated, to enable consideration to be given to issuing a judgement under Rule 21. She was advised that if she did not provide this information in a hearing would be necessary
4. The claimant did not respond to this correspondence, and a reminder was issued to her on 25 February 2020. The claimant did not respond to this.
5. The hearing of 31 March 2020 therefore took place. This hearing was converted to a telephone conference call to consider case management issues in light of the Presidential Guidance issued as a result of the Covid pandemic. The claimant did not attend that hearing, however in the circumstances, the tribunal considered it consistent with the overriding objective to continue the case, and a further hearing was fixed for 26 May 2020.
6. The tribunal was advised on 21 January 2020 that the second responders had gone into liquidation and therefore the ET1 was served upon the liquidator on 3 April 2020.
7. No response was received from the liquidator. On 5 May 2020, the Tribunal wrote to the claimant to advise her of this, and to ask her to confirm her telephone number for the purposes of joining the telephone conference on 26 May 2020. No response was received to that.
8. The Tribunal issued a strike out warning letter to the claimant on 15 May 2020, to which no response was received.
9. The claimant did not attend the hearing on 26 May 2020. In circumstances, the Tribunal was satisfied that is consistent with the overriding objective in the Rules that this claim is struck out under Rule 37 (1) (d) of the Rules on the grounds that it has not been actively pursued.

Employment Judge:

L Doherty

Date of Judgement:

28 May 2020

Entered in Register,

5 Copied to Parties:

01 June 2020