



EMPLOYMENT TRIBUNALS

Claimant: Mr P M Holingbery

Respondent: Ekc Group

JUDGMENT

1. The **complaint under the Employment Rights Act 1996** is struck out.

REASONS

1. The claimant was ordered to pay a deposit of **£1000.00** at a preliminary hearing which took place on 26 February 2020 before Employment Judge Nash. Confirmation of the Order and the reasons for it were sent in writing to the claimant and the Respondent by email on 30 April 2020.
2. The Order specified that the deposit was to be paid by no later than 90 days from the date the Order was sent: Rules 39(4) and 66 of the **Employment Tribunals Rules of Procedure 2013** ("the 2013 Rules"). The Order was signed by the Judge on 1 April 2020 but states on its face that it was sent to the parties on 30 January 2020. I was satisfied that this was a clerical error as that date predates the hearing, and the emails to which it was an attachment were sent to the parties on 30 April 2020 at 16:06 and 16:07 and they both listed the deposit Order as an attachment.
3. The date by which the deposit had to be paid therefore was **29 July 2020**.
4. The claimant has failed to pay the deposit by this date.
5. I have reviewed the Order and the reasons for it as sent to the parties.
6. There has been no application for, or grant of, an extension of time for compliance with the Deposit Order.
7. In accordance with the terms of rule 39(4) of the 2013 Rules, I declared that the claim be struck out.

8. This was the only complaint to be determined in the claim. Therefore, the full merits hearing fixed **28 September 2020 to 1 October 2020** will not now take place.

Employment Judge HYDE

Dated: 24 August 2020