



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4100402/2020

Employment Judge S Walker

Mr G Baker

Claimant

Eric Wright Water Limited

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 was dismissed by reason of redundancy on 13 September 2019. He notified ACAS of his intention to make an employment tribunal claim on 4 December 2019. ACAS issued an early conciliation certificate the same day. On 21 January 2020, the claimant presented an ET1 to the employment tribunal in which he claimed unfair dismissal and a redundancy payment. The

claim for unfair dismissal was out of time. At a preliminary hearing held by telephone on 21 May 2020, the claimant accepted that he received a redundancy payment from the respondent and this part of his claim was withdrawn. At the same hearing, the claimant was ordered to confirm in writing by 12 June 2020 whether or not he intended to proceed with his remaining claims. He did not do so and a reminder was sent on 2 July 2020. By email dated 16 July 2020, the claimant said he had no intention of taking any further action in the matter. By email dated 30 July 2020, the employment tribunal asked the claimant to confirm he was withdrawing his claims. He did not reply.

- 2 On 26 August 2020, the Tribunal gave the claimant an opportunity to give written reasons by 9 September 2020 or to request a hearing in order to consider why the claim should not be struck out.
- 3 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: Susan Walker
Date of Judgment: 19th February 2021
Entered into Register: 27th February 2021
Copied to parties