



## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

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**Case No: 4113025/2019 (P)**

**Employment Judge M Robison**

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**Mr S Sneddon (deceased)**

**Claimant  
Not represented**

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**Interchange and Consort Hotels Limited**

**Respondent  
Represented by  
Ms A Evans  
Solicitor**

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### **JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

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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 it is has not been actively pursued in terms of rule 37(1)(d).

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### **REASONS**

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1. The claimant lodged a claim with the employment tribunal on 14 November 2019 claiming unfair dismissal and disability discrimination.
2. The claimant subsequently obtained legal representation, and Mr D Donaldson intimated that he was acting for the claimant by e-mail

dated 10 March 2020. He represented the claimant at a preliminary hearing on 25 March and at a subsequent preliminary hearing on 13 July when the claim for unfair dismissal was withdrawn.

3. Mr Donaldson intimated that the claimant had deceased on 18 July 2020, following which a sist was granted on 10 August 2020 (for three months) to allow arrangements to be made for the appointment of executors.
4. Various requests for progress were made in November 2020, to which Mr Donaldson eventually replied on 7 December 2020 advising that he was no longer acting. He confirmed that the claimant was estranged from his family, as had previously been intimated in these proceedings, and also that there was no will and no executor appointed.
5. The respondent responded by letter dated 9 December 2020, submitting that there could in the circumstances be no realistic prospect that the claim, which had been sisted since August, would be actively pursued on the claimant's behalf. In the absence of a person to represent the claimant, they submitted that a withdrawal seems unlikely.
6. It is understood that the claimant died on or around 18 July 2020. Following a sist his representative withdrew from acting. It is understood that the claimant was estranged from his family. No meaningful correspondence indicating an intention to pursue this claim has taken place since the end of July.
7. In these unfortunate circumstances, where the claimant is now deceased, has no representative, and there is no realistic prospect that his family will seek to pursue this claim on his behalf, a withdrawal of the claim is highly unlikely.
8. I conclude therefore that the claim has not been been actively pursued under section 37(1)(d) of the Employment Tribunals (Constitution and

Rules of Procedure) Regulations 2013. The claim is therefore stuck out.

5 Employment Judge: Muriel Robison  
Date of Judgment: 15 January 2021  
Entered in register: 23 January 2021  
and copied to parties

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