



EMPLOYMENT TRIBUNALS

Claimant

Miss M Janusauskaite

v

Respondent

Just Ask Estate Services Limited

Heard at: Bury St Edmunds (by CVP)

On: 07 April 2021

Before: Employment Judge Laidler

Appearances

For the Claimant: Did not attend and was not represented.

For the Respondent: Ms J Charalambous (Senior Litigation Executive Peninsula).

COVID-19 Statement on behalf of Sir Keith Lindblom, Senior President of Tribunals.

This has been a remote hearing which has been consented to by the parties. The form of remote hearing was by telephone (A). A face to face hearing was not held because it was not practicable and no-one requested the same and all issues could be determined in a remote hearing.

JUDGMENT

All claims brought by the claimant are struck out.

REASONS

1. The claim in this matter was issued on 13 May 2020. The claimant who had not accrued 2 years continuous service ticked the boxes in section 8 of the ET1 form that she was claiming unfair dismissal, race discrimination and a redundancy payment. She stated she had suffered discrimination on the basis of 'language'.
2. In its Response the respondent stated it was unable to file a full response as the claims being brought were unclear. In an order sent to the parties on 10 August 2020 Employment Judge R Lewis ordered the claimant to provide further information as to what had happened, when it had happened, who was responsible and who was present.

3. Although the claimant did send various emails to the Employment Tribunal following that order none of them answered it. The respondent advised that they had not received any further particulars and asked that consideration be given to striking out the claim.
4. By letter of 18 March 2021 Regional Employment Judge Foxwell made the following directions:

“It would be disproportionate to strike out the claim on the basis of the parties’ representations.

The respondent’s application will be considered at the forthcoming hearing on 7th April 2021.”
5. On 30 March 2021 the Watford Employment Tribunal also wrote to the claimant asking whether she would benefit from an interpreter at the forthcoming hearing. There was no reply to that email.

The Tribunal’s conclusions

6. The claimant has never provided an adequate or substantive response to the order of Employment Judge R Lewis requiring further particularisation of her claim.
7. She does not have 2 years continuous service to bring a claim of ordinary unfair dismissal contrary to the Employment Rights Act 1996.
8. The claimant never responded to the Employment Tribunal’s request as to whether she required an interpreter.
9. The claimant did not attend this hearing.
10. In all of the circumstances the Tribunal has concluded that the claimant is not actively pursuing her claim and that it should be struck out.

Employment Judge Laidler

Date: 9 April 2021

Sent to the parties on: ...4 May 2021
THY

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For the Tribunal Office