



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Kelly

**Respondent:** Cordant Recruitment Ltd

## STRIKE OUT JUDGMENT

Acting in accordance with rule 37 of the Employment Tribunals Rules of Procedure 2013, the Tribunal strikes out the claim on the ground that it is not being actively pursued (rule 37(1)(d)) and/or that it has no reasonable prospect of success in the light of the respondent's response to the claim (rule 37(1)(a)).

## REASONS

1. The claimant failed to attend or be represented at a case management hearing on 24 May 2021. No explanation had been provided and no other application made.
2. The Tribunal of its own initiative issued a strike out warning under rule 37.
3. The claimant was given a reasonable opportunity in accordance with rule 37(2) to make representations in writing or to request a hearing before the claim was struck out. Any such representations or request were to be made by the claimant by writing to the Tribunal (with a copy to the respondent) within 28 days of the date on which that warning was sent to the parties.
4. The claimant was asked to explain his non-attendance and to confirm whether or not his claim was being actively pursued despite his non-attendance. He would also have to explain how he believed that his claim had a reasonable prospect of success in the light of the respondent's defence to it. A failure to do so within that time would result in an order striking out the claim.
5. The claimant has not replied to this warning in time or at all. Accordingly, the claim is now struck out.

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Judge Brian Doyle

**Case Number: 2408519/2020**

Date: 1 July 2021

Sent to the parties on:

6 July 2021

For the Tribunal Office: