



EMPLOYMENT TRIBUNALS

Claimant: Mr S Lawrzecki

Respondent: Brookes Jordan Ltd (R1)
Trudy Doyle (R2)

JUDGMENT

The claim is struck out.

REASONS

1. The claimant presented his claim to the tribunal on the 28 October 2020. The claim was of disability discrimination and whistleblowing detriment. He was professionally represented by Mr Tomasz Gracka of Mitchell Brown Ltd. The case was listed for a preliminary hearing the case management by telephone on Wednesday, 20 January 2021.
2. In his claim form the claimant had not informed the tribunal that he was continuing in employment with the respondent as a pattern programmer and had been employed by them since 14 November 2016.
3. In the respondent's response they said that the claimant had not been off sick for any cause during his employment with them and had never made any disclosure which could amount to whistleblowing.
4. The case management preliminary hearing on 20 January 2021 had to be postponed at late notice because the claimant's representative said that he had developed symptoms of a viral infection which was not dissimilar to Covid 19.
5. The case management hearing was postponed until 19 May 2021. The claimant and his representative did not attend at that hearing or give any explanation for their non-attendance. A strike out warning was sent to the claimant and he was asked to show cause why his claim should not be struck out in full as it appeared that it was not being actively pursued. The Employment Judge also listed the matter for a preliminary hearing to be heard on 22 September 2021 to determine whether the claim should be struck out on the grounds that they have no reasonable prospect of success. Alternatively, whether a deposit order should be made on the grounds that the complaints allegation or argument is have little prospect of success. The Employment Judge also made case management orders.
6. No response was received the strike out warning and the respondents wrote on 18 June 2021 to ask why the claim had not been struck out. On 21 June 2021 the

- claimant's representative wrote to the tribunal to say they were no longer representing the claimant.
7. In the circumstances I wrote to the claimant to say that I was considering striking out the claims on the basis that he had failed to comply with tribunal orders, and he did not appear to be pursuing the claim. I gave him until 22 July 2021 to comply with Employment Judge Ahmed orders of 19 May 2021.
 8. The claimant responded on 14 July 2021 to complain that his representative had been negligent and that he needed time to instruct new solicitors.
 9. I am satisfied that at the time that the orders needed to be complied with the claimant was still legally represented. He did not comply with the orders. I am also satisfied that the claimant has failed to take any responsibility for this matter even after he was notified that his former representatives had ceased acting. The claimant has been given plenty of opportunity to comply with the orders and been issued with strike out warnings which have not resulted in him progressing the case at all.
 10. In his latest correspondence to the Tribunal on 9 August 2021 he has still not instructed solicitors or complied in any way with the orders previously made. It was his decision to instruct Mr Gracka as his legal representative and it is now 2 months since the tribunal were informed that he was no longer acting for the claimant and no further progress has been made in the pursuit of this claim by the claimant.
 11. It is also 10 months since the claimant presented his claim and the respondents still do not know what the basis of the claim is.
 12. I am satisfied that these claims should be now struck out because;
 - the claimant had not complied with the Orders of the Tribunal dated 19 May 2021
 - it has not been actively pursued.
 13. The hearing fixed for 22 September 2021 will not take place.

Employment Judge Hutchinson
Dated 20 August 2021