



## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case Number: 4105361/2020**

**Mr A Iwaniec**

**Claimant**

**Link Living Ltd**

**Respondent**

# **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 Claimant has failed to comply with Orders of the Tribunal in terms of Rule 37(1)(c) and that the claim has not been actively pursued in terms of Rule 37(1)(d)

# **REASONS**

1. The Tribunal made Orders on 15 February 2021 and 27 May 2021 for the Claimant to provide further particulars of the basis of his claims in order that the Respondent could have fair notice of the case they had to meet. The Claimant has failed to comply with those Orders and has not provided any explanation for this non-compliance.
2. The Claimant also failed to attend the preliminary hearings held on 27 May and 22 July 2021 and, again, gave no explanation for his failure to attend these hearings.
3. On 27 July 2021 the Tribunal gave the Claimant an opportunity to give written reasons by 10 August 2021 or to request a hearing in order to consider why the claim should not be struck out.

4. The Claimant has not responded to this correspondence and so has failed to give an acceptable reason why such a judgment should not be made or to request a hearing.
5. The Tribunal considers that the Claimant has failed to actively pursue his claim in terms of Rule 37(1)(d) in respect of his non-compliance with the Orders of the Tribunal and his failure to attend the preliminary hearings.
6. The Tribunal also considers that the non-compliance with the Orders prevent there being a fair trial of the claim as the Respondent does not have fair notice of the case they have to meet and they could not prepare for any hearing. The Tribunal, therefore, considers that Rule 37(1)(c) is also satisfied as a ground for striking-out the claim.
7. The Tribunal therefore strikes out the claim under both Rule 37(1)(c) and (d).

Employment Judge: Peter O'Donnell  
Date of Judgment: 23 August 2021  
Entered in register: 25 August 2021  
and copied to parties