



EMPLOYMENT TRIBUNALS

Claimant: Miss A Chefena

Respondent: Speciality Care (EMI) Limited

JUDGMENT

1. The claim has not been actively pursued and is struck-out pursuant to rule 37(d).

REASONS

1. On 15 April 2021 the Respondent applied to strike-out the claim. In its application it set out the steps it had taken to progress the litigation and a history of non-responsiveness and breach of tribunal orders on the Claimant's part. The Claimant was, and so far as the tribunal is aware, continues to be represented. The Respondent copied the application to both the Claimant's representative and the Claimant herself (using the email address given in Form ET1). No response to the application is apparent on the case file.
2. The Respondent chased an answer to the application on 24 May 2021, again copying in the Claimant and her representative. The hearing listed for 2 June 2021 had to be postponed. It appears that this was because the case was not prepared.
3. By letter dated 24 September 2021, Regional Employment Judge Freer notified the parties he was considering striking out the claim because the Claimant had not complied with the case management orders and because it had not been actively pursued. He asked for a response/representations within 7 days. This correspondence was sent by email to the Claimant's representative. There was no response.
4. The file was then referred to me and by a letter dated 9 November 2021, I issued a further strike-out warning. I directed the Claimant to respond to REJ Freer's letter by 19 November 2021. I can see from the file that my letter was sent by email to both the Claimant's representative and the Claimant herself. There was no response at all.
5. The Respondent chased a response on 7 December 2021 and 7 January 2021 each time copying in both the Claimant's representative and the Claimant personally by email. Still there has been no response.

6. From the history above, it is obvious that the claim has not been actively pursued to date. It also seems to me that the Claimant has no intention of pursuing the claim henceforth. I think it would be unfair and prejudicial to the Respondent for this claim to continue in the circumstances. The tribunal's resources are finite. Each time there is correspondence in the case it creates work for the administration team and usually work for a judge.
7. In all the circumstances, the time has come to bring this claim to an end.

Employment Judge Dyal

Date 13.01.22