



THE EMPLOYMENT TRIBUNAL

BETWEEN:

Mr P Massara

Claimant

and

The Kings Ferry Limited

Respondent

JUDGMENT

The claim is struck out.

REASONS

1. The claimant submitted a claim against National Express Group plc in respect of unpaid holiday pay and breach of contract in April 2021. At the time his claim was submitted he remained in the employment of the respondent and accordingly the Tribunal has no jurisdiction to hear a breach of contract claim and that is dismissed.
2. A response was filed confirming that the correct name of the respondent is as appears in the title to this Judgment (and the record is amended accordingly) and that all outstanding holiday pay was paid to the claimant on completion of an internal grievance that he raised.
3. On 27 October 2021 the respondent applied for an order that the claim be struck out pursuant to rules 30 & 38 of the Employment Tribunal Rules 2013 unless the claimant confirmed that he was pursuing his claim and if so on what basis. The claimant was copied in on that letter.
4. On 20 January 2022 the Tribunal wrote to the claimant asking him to reply in writing within 7 days to confirm whether or not he was pursuing his claim.
5. The claimant has failed to reply to that letter.
6. It seems that the claimant is not actively pursuing his claim and therefore it is struck out pursuant to rule 37 of the rules.

7. The hearing listed for 13 April 2022 is vacated.

Employment Judge K Andrews
Date: 2 February 2022