



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4110611/2021

Held in Glasgow on 6 December 2021 (in chambers)

Employment Judge Ian McPherson

Miss K Blyth

Claimant

BR Fast Foods Limited

Respondents

JUDGMENT

The response 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 of non-compliance with an Order of the Tribunal in terms of rule 37(1)(c).

REASONS

1. By Order No.4 granted by Employment Judge Kemp in his Preliminary Hearing Note dated 28 September, issued 6 October, 2021, the respondents were ordered to write to the claimant, with copy to the Tribunal, by no later than 4pm on 9 November 2021, confirming (i) any dispute in relation to the claimant's Schedule of Loss; (ii) whether or not they

accepted that the claimant is a disabled person for the purposes of the Equality Act 2010; and (iii) whether or not they argued that, if so, they did not have actual or imputed knowledge of that at the material time.

2. Despite an extension of time to do so, previously granted by Legal Officer D Ellison on 11 November, the respondents still failed to comply with that Order of the Tribunal.
3. On 23 November 2021, the Tribunal gave the respondents an opportunity to give written reasons by no later than 4.00pm on 30 November 2021 or to request a hearing in order to consider why the response should not be struck out.
4. By email of 26 November 2021 sent at 12:18 to the Glasgow ET, Matthew Campbell of the respondents stated that he had “**significant personal issues**”, not further specified, which had resulted in him taking some time away from work, but he would have his response submitted by the end of business on Monday, 29th November 2021. He did not copy his email to the claimant as required by Rule 92.
5. While Mr Campbell sent a further email to the Glasgow ET at 13:43 on 29 November 2021, attaching “**evidence in relation to the case**”, he simply attached a PDF document, with 11 pages of assorted documents. He did not address the three discreet parts of Judge Kemp’s Order. Again, he did not copy his email to the claimant as required by Rule 92.
6. The respondents have failed to give an acceptable reason why such a strike out judgment should not be made or to request a hearing. The Tribunal therefore strikes out the response.
7. The respondents shall only be entitled to participate in the 3-day CVP Final Hearing on 13 / 15 December 2021 to the extent permitted by the Judge presiding at that Hearing.

Employment Judge: I McPherson
Date of Judgment: 6 December 2021
Entered in register: 6 December 2021
and copied to parties