



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4114753/2019

Employment Judge I McPherson

Mr A Thompson

Claimant

Virtue Recruitment Services Ltd

Respondents

JUDGMENT

The claim and response are each 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 (a) of non-compliance with an Order of the Tribunal in terms of **Rule 37(1)(c)**, and (b) that the claim and response have each not been actively pursued in terms of **Rule 37(1)(d)**.

REASONS

1. The claim was presented on 20 December 2019, and defended by ET3 response presented on 6 January 2020.
2. Listed for final hearing on 3 April 2020, that hearing was converted, in light of the Covid-19 pandemic, into a telephone conference call case management preliminary hearing to discuss how to progress the case in accordance with ET Presidential Guidance.

3. It called, on 3 April 2020, before Employment Judge Doherty for that hearing. Her written Note dated 9 April 2020 was issued to both parties under cover of a letter from the Tribunal, who also issued notice of further such hearing for 22 May 2020.
4. It called again, on 22 May 2020, before Employment Judge Hosie for a further such hearing. His written Note and orders dated 26 May 2020 was issued to both parties under cover of a letter from the Tribunal on 29 May 2020.
5. The claimant was directed, within 7 days, to provide further information relating to his claim, and he, and Mr D Mclean, who appeared for the respondents, were each directed to advise the Tribunal, within 7 days, whether or not they intended to proceed with the claim, or continue to defend it, as the case maybe.
6. Judge Hosie hoped that parties would be able to reach agreement without the necessity to proceed to a final hearing remotely by CVP. Neither party replied to the Tribunal, within the 7 day period allowed, or at all.
7. Accordingly, on 29 June 2020, Employment Judge Robison instructed a letter be sent to both parties, noting that no update had been provided, as directed by Judge Hosie, and requesting an update by 6 July 2020.
8. Again, neither party replied to the Tribunal, within the 7 day period allowed, or at all. Accordingly, on 27 July 2020, Employment Judge Whitcombe instructed that a Strike Out Warning letter be sent to both parties, with 10 August 2020 set as a date for reply.
9. In that Warning, the Tribunal gave each of the claimant and respondents an opportunity to give written reasons by 10 August 2020 if they disagreed with the Tribunal striking out the claim / response, or to request a hearing in order to consider why the claim or response, as the case maybe, should not be struck out.
10. The claimant and respondents have both failed to reply, and so both have failed give any reason why such a judgment should not be made or to request a hearing. The Tribunal therefore strikes out both the claim and the response.

Employment Judge: Ian McPherson
Date of Judgment: 04 September 2020
Entered in register: 07 September 2020
and copied to parties