



EMPLOYMENT TRIBUNALS

Claimant: Mr A Hassan

Respondent: (1) Physio Medicine Limited
(2) Ms R Ferenczi «resp_others»

Heard at London Central Employment Tribunal On: 1 March 2022

Before: Employment Judge Davidson
Mr J Carroll
Ms D Keyms

Representation

Claimant: in person
Respondents: Mr J Munro, Solicitor

JUDGMENT

The respondents' response is struck out.

REASONS

1. It was the unanimous decision of the tribunal that the response filed on behalf of both respondents should be struck out because
 - 1.1. the respondents have not complied with the Orders of the Tribunal dated 20 August 2021 made by EJ Segal, in particular orders relating to the preparation of the hearing bundle and exchange of witness statements.
 - 1.2. it is no longer possible to have a fair hearing of the response, because the failure to finalise the hearing bundle or to communicate with the claimant after 22 November 2021 has resulted in the claimant not being able to produce a witness statement or prepare his case.

2. The hearing was due to take place from 1-4 March 2022 but due to the unpreparedness of the case and the claimant's application for a strike out, the full merits hearing could not go ahead.
3. Despite, in correspondence, attributing some blame to the claimant, the respondent has failed to show any blameworthy conduct by the claimant, who has been pushing to the orders to be complied with so that his claim can be heard.
4. The respondent has failed to make any sufficient representations, why the response should not be struck out. The response is therefore struck out.
5. The respondents will be entitled to notice of any hearings and decisions of the Tribunal but will only be entitled to participate in any hearing to the extent permitted by the Employment Judge.
6. There will be a hearing of the claimant's complaint on 27 April 2022 which will deal with liability and remedy. The hearing will be in person at London Central Employment Tribunal. The respondents will be permitted to participate in the remedy hearing.
7. The claimant must send any documents on which he intends to rely to the tribunal in pdf format by 20 April 2022.

02/03/2022

Employment Judge Davidson

JUDGMENT SENT TO THE PARTIES ON

03/03/2022.

FOR THE TRIBUNAL OFFICE