



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

AND

Respondent

Mr N Dee

First Great Western Railway Limited

JUDGMENT

The whole of the claimant's claims are struck out under Rule 37(1)(d) of the Employment Tribunals Rules of Procedure 2013 (the Rules) as they have not been actively pursued.

REASONS

I vacated the Case Management Preliminary Hearing (CPH) in this case that was listed for 2pm on 17 January 2022. This was because the Claimant had failed to respond to the Regional Employment Judge's Order of 21 September 2021 requiring him to confirm whether claim 1403399/2020 was being pursued, or to respond to the Respondent's application of 22 October 2021 seeking a strike-out of that claim. I acknowledged that neither order specifically related to claim 2201099/2020, but as the claims are in substance the same, I considered that the Claimant could reasonably be expected to have responded to those communications if he wished to pursue either claim. The absence of correspondence from the Claimant led me to conclude that there was a sufficient chance that the Claimant was not actively pursuing these claims that this needs to be clarified before judicial resource is allocated to hearing a CPH. Accordingly, by order of 12 January 2022 I ordered the Claimant to respond by 26 January 2022 to confirm whether or not he wishes to pursue these claims and, if not, to withdraw the claims. I warned the Claimant that if he did not respond or withdraw the claims, the claims were likely to be struck out without a hearing. The Claimant did not respond and so both claims are accordingly struck out.

Case Number: 2201099/2020 and 1403399/2020

Employment Judge Stout

Date: 28/02/2022

JUDGMENT SENT TO THE PARTIES ON

01/03/2022.

FOR THE TRIBUNAL OFFICE