



EMPLOYMENT TRIBUNALS

Claimant: Mr Lewis Green

Respondent: Smarter Home Improvements Ltd

Heard at: East London Hearing Centre

On: 9 March 2022

Before: Tribunal Judge Brannan acting as, an Employment Judge

Representation:

For the Claimant: Neither present nor represented

For the Respondent: Neither present nor represented

JUDGMENT

The claim is struck out.

REASONS

1. The claimant lodged his claim on 6 October 2021. There is no record of any subsequent communication from the claimant to the Tribunal.
2. He made claims for breach of contract, unlawful deduction from wages, holiday pay and unfair dismissal.
3. On 15 October 2021 the Tribunal wrote to the claimant warning him that it appeared he had been employed for less than two years so that the Tribunal could not consider his complaint that he was unfairly dismissed. He was given until 29 October 2021 to give reasons in writing by his complaint of unfair

dismissal should not be struck out. There is no record of any response to this letter.

4. Also on 15 October 2021 the Tribunal sent the notice of claim to the respondent. The respondent has never replied to this or sent any other communications to the Tribunal.
5. On 6 December 2021 the Tribunal sent notice of the hearing to take place today to both parties. It also gave case management directions to the parties. There is no evidence of any of these directions having been complied with or complaints from the claimant about non-compliance by the respondent.
6. On 7 February 2022, following the failure of the respondent to respond to the claim, the Tribunal wrote to the claimant requiring him to prepare and file with the Tribunal on or before 2 March an electronic copy of the bundle and witness statements. The claimant has not done so.
7. Neither party attended the hearing today. The claimant did not give a telephone number on his claim form so it was not possible to find out his reason for non-attendance. Looking at the disengagement of the claimant I am satisfied that he is not actively pursuing his claim.
8. Therefore, pursuant to rule 37(d) of the Employment Tribunals Rules of Procedure I strike out the claimant's claim because it is not being actively pursued. In deciding this I did consider whether it would be in the interests of justice to give a warning to the claimant. However, given his complete disengagement with the Tribunal proceedings, the brief period of employment that the claimant alleges he had with the respondent and the consequent low value of the claim, and the fact he failed to attend the hearing where he could have pursued his claim (meaning the claim could in any case be dismissed under rule 47) I decided that it is in line with the overriding objective to move ahead with strike out immediately.

**Tribunal Judge David Brannan acting
as, an Employment Judge
Dated: 9 March 2022**