



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms E Janovszki

**Respondent:** Gerrards of Swinton Limited

## PRELIMINARY HEARING

**Heard at:** Manchester, by video platform

**On:** 23 March 2022

**Before:** Employment Judge Batten (sitting alone)

**Representatives:**

For the claimant: no attendance

For the respondent: P Quinn, Solicitor

## JUDGMENT

**Upon hearing from the Solicitor for the respondent and the claimant not attending, the judgment of the Tribunal is that the claim is struck out.**

## REASONS

1. On 1 February 2021, a case management preliminary hearing took place before Employment Judge Buchanan. The claimant failed to attend the preliminary hearing and it was reported that the claimant had failed to comply with a number of previous case management orders. The deadlines for compliance with the previous case management orders were therefore varied and extended, to give the claimant a further opportunity to comply.
2. On 19 March 2021, the respondent wrote to the Tribunal to report that the claimant had failed to comply with an order for further particulars of her claim. The respondent applied for the claim to be struck out for such default.
3. By a letter dated 15 April 2021, the Tribunal gave the claimant an opportunity to make representations in writing or to request a hearing, as to why the claim should not be struck out because the claimant had not complied with case management orders and had failed to pursue her claim.
4. On 29 April 2021, a case management preliminary hearing took place before Employment Judge Batten. The claimant failed to attend the preliminary hearing and it was reported that the claimant remained in default of a number of previous case management orders. The case management orders which were

sent to the parties on 4 May 2021 included a “strike out warning” to the claimant and gave her 14 days in which to make representations.

5. On 18 May 2021, the claimant sent to the Tribunal a copy of an email between herself and a prospective legal representative. The claimant stated that she would like to continue with her claims and to proceed. On that basis the claim was listed for a further case management preliminary hearing on 10 November 2021. The claimant requested a Hungarian interpreter for the hearing and a Hungarian interpreter was booked.
6. On 11 June 2021, the respondent wrote to the Tribunal contending that the claimant had not in fact objected to the strike out warning. As a result, on 10 July 2021, the Tribunal asked the claimant to comment on the respondent’s email of 11 June 2021. The claimant failed to reply and a reminder was sent to her. The claimant did not respond to the reminder.
7. As a result of the claimant’s failure to respond to the Tribunal’s correspondence, the hearing listed on 10 November 2021 was converted to a public preliminary hearing to consider strike out of the claim. Regrettably the hearing on 10 November 2021 had to be postponed and was re-listed today.
8. The claimant has failed to attend today’s hearing. She has not notified the Tribunal of any unavailability nor has she contacted the Tribunal to give a reason for her non-attendance. The start of the hearing was delayed in case the claimant was late or having technical difficulties with the video platform/connections. In response to the respondent’s renewed application for strike out, the claimant has also failed to make representations in writing or at all.
9. In light of all the above matters, I am satisfied that the claimant remains in default of case management orders and has failed to reply to the Tribunal’s correspondence, such that I conclude that the claim is not being actively pursued. The claim is therefore struck out.

---

Employment Judge Batten  
23 March 2022

JUDGMENT SENT TO THE PARTIES ON  
25 March 2022

FOR THE TRIBUNAL OFFICE

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.