



EMPLOYMENT TRIBUNALS

Claimant: Miss Alicia Salter

Respondent: Fast Line Training Services Limited

Heard at: East London Hearing Centre (via CVP)

On: 21st July 2022

Before: Employment Judge Travers

Representation:

For the Claimant: The claimant was not represented and did not attend

For the Respondent: Terry Rayner, managing director of the respondent

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was by telephone. A face to face hearing was not held because the relevant matters could be determined in a remote hearing.

JUDGMENT

The entire claim is struck out pursuant to Rule 37(1)(d) of the Employment Tribunals Rules of Procedure on the ground that the claim has not been actively pursued.

REASONS

The claim

1. On 05/01/22 the tribunal received the claim. It raised complaints of: unfair dismissal; discrimination on the grounds of pregnancy or maternity; a claim for other payments.

The tribunal's efforts to contact the applicant

2. The history of the correspondence sent from the tribunal office to the claimant is set out below:-

- 26/01/22 Acknowledgment of claim letter.
- 26/01/22 Letter informing the claimant that it, '...appears that your claims have been submitted late', and informing the claimant that there will be a preliminary hearing for a judge to determine whether any complaint was presented out of time.
- 09/02/22 Notification of preliminary hearing for case management by telephone on 21/07/22 at 2pm. Agenda for preliminary hearing attached with a request that it should be completed, filed, and served 7 days before the hearing.
- 06/04/22 Notification of 2 day hearing on 13th and 14th October 2022, and reminder of preliminary hearing on 21/07/22. Request for a schedule of loss and an agreed schedule of issues, to be sent to the tribunal by 04/05/22.
- 13/04/22 Notice of hearing by video hearing on 13th and 14th October 2022.
- 07/06/22 Letter highlighting that a schedule of remedies and an agreed list of issues had not been received. Request that the documents be provided on or before 21/06/22.
- 22/06/22 Reminder about the tribunal's 07/06/22 letter and requesting a response by 29/06/22.
- 01/07/22 Strike out warning indicating that consideration is being given, '...to referring the file to an Employment Judge to consider striking out the claim because it appears you are not actively pursuing the claim. If you wish to object to this proposal you should give your reasons in writing by 15th July 2022.'

3. The claimant has not responded to any of the tribunal correspondence set out at paragraph 2 above.

The Rules

4. The Employment Tribunals Rules of Procedure at rule 37 provides that:

- '(1) At any stage of the proceedings...on its own initiative...a tribunal may strike out all or part of a claim...on any of the following grounds...(d) that it has not been actively pursued...(2) A claim...may not be struck out unless the party in question has been given a reasonable opportunity to make representations, either in writing or, if requested by that party, at a hearing.'

Failure actively to pursue the claim

5. On the basis of the information set out at paragraph 2 above, the Tribunal has concluded that the claimant has failed actively to pursue the claim. In all the circumstances, the claim is struck out.

Employment Judge Travers
Date: 21 July 2022