



EMPLOYMENT TRIBUNALS

Claimant: Miss Helen Rolle

Respondent: Total Support Services Limited

JUDGMENT

The Claimant's application dated 4 August 2022 for reconsideration of the Judgment sent to the Parties on 28 July 2022 is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked.
2. As the original judgment explained (reasons paragraph 1) the claimant had been warned on two occasions that the Tribunal was considering striking out the claim for not being actively pursued: first on 25 May 2021 and again on 4 April 2022.
3. The request for reconsideration refers to an email sent to the Tribunal on 26 May 2021, responding to the first of these warnings. That email read (in relevant part):

"In response to your letter, I have been actively pursuing my claim through ACAS. ACAS have been conciliating with the Respondent."

4. However, as explained in the Tribunal's letter of 4 April 2022 (the second warning), sent on the instructions of EJ Tsamados, ACAS is a separate body to the Employment Tribunal. The Judge therefore directed:

"The Claimant must provide the information requested in our letter of 5 January 2021 or the Tribunal will consider striking out the Claim. Please reply by the 18th of April 2022."

(The reference to the letter of 5 January 2021 is to a letter containing directions from EJ Ferguson requiring the claimant to provide further particulars of her disability discrimination claim.)

5. The claimant did not respond to the Tribunal's letter of 4 April 2022. It was in these circumstances that the file came before me, following a request from the respondent that the claim be struck out.
6. I remain satisfied that it was appropriate to strike out the claim and the claimant has not advanced any argument in her application that has a reasonable prospect of dissuading me from that view. The claimant had not complied with the directions issued on 5 January 2021 despite the passage of more than 18 months from those directions being made. She had been twice warned that the claim was liable to be struck out because it was not being actively pursued. Her response to the first of these warnings was to refer to action through ACAS, but the Tribunal had already explained in the letter of 4 April 2022 that this was not sufficient and that she still needed to comply with the directions of 5 January 2021. She again failed to do so, or to take any steps to advance her claim in the Tribunal. The point made in the reconsideration request is the same one already rejected by EJ Tsamados. The application for reconsideration is therefore refused.

**Employment Judge Abbott
Dated: 8 November 2022**