



EMPLOYMENT TRIBUNALS

Claimant: B Attila

Respondent: K Halal Food Ltd

JUDGMENT

The claim is struck out under Rule 37.

REASONS

1. On 21 March 2022 the Tribunal made a case management orders.
2. The Claimant has not complied with that order.
3. The Tribunal wrote to the Claimant on 16 July 2022 stating that the Claimant had not complied with the Order and stating that an Employment Judge was considering striking out the claim for unreasonable conduct, failing to comply with the Tribunal's Orders and not actively pursuing the claim.
4. On 30 July 2022 the Claimant responded to that letter. His email indicated that he had technical and mental health problems, said that he was seeking assistance, but gave no indication of when he might be able to comply with the Orders made.
5. On 22 August 2022 the Tribunal again wrote to the Claimant. It set out what he must do, and suggested ways he might do those things. It said that if he did not do so by 05 September 2022 his claim might be struck out.
6. On 24 August 2022 the Claimant replied. He said that he had an appointment with a lawyer on 01 September 2022. He said his medication made it hard to concentrate, and that he did not have any friend who could help him.
7. The Tribunal copied this to the Respondent and told the Claimant that he must write to the Tribunal by 05 September 2022.
8. On 02 September 2022 Whitechapel Legal Advice Centre wrote to the Tribunal. They said that they were volunteer advisers of, but not acting for, the Claimant. They said that the Claimant told them that he needed another one to two months to deal with the matters in the Case Management Order. The letter did not

say that they would be dealing with compliance with the Orders. It said that the Claimant needed to extract information from his mobile phone, which would enable him to better evaluate his evidence.

9. Rule 37 relates to striking out a claim for non-compliance with orders. It states:

“Striking out

37.—(1) At any stage of the proceedings, either on its own initiative or on the application of a party, a Tribunal may strike out all or part of a claim or response on any of the following grounds –

- (a) that it is scandalous or vexatious or has no reasonable prospect of success;
- (b) that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious;
- (c) for non-compliance with any of these Rules or with an order of the Tribunal;
- (d) that it has not been actively pursued;
- (e) that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim or response (or the part to be struck out).

10. The Case Management Order was made very nearly six months ago. The Claimant has not complied with it. There is an expression of hope that he will do so within the next month, or two months. There is no likelihood of him doing so, for he has not done so in those six months and gives no indication of how he will comply in the immediate future.

11. For two months he has been on notice that striking out his claim was being considered for failing to comply with the Order.

12. No medical evidence has been provided in support of the Claimant’s assertion that medical reasons are part of the reason why he has not complied.

13. There comes a time when a case cannot be allowed to continue when a party does not comply with case management orders. That time has come.

14. This claim is struck for failing to comply with the Order of 21 March 2022, and because it is not being actively pursued.

Employment Judge Housego

Date: 15 September 2022