



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Darren Pruce

**Respondent:** F. A. Albin & Sons Limited

## JUDGMENT ON STRIKE OUT

1. The respondent's application to strike out the claim is refused.

### REASONS

2. The respondent makes an application dated 23 March 2023 to strike out the claims on the basis that the claimant failed to comply with a Tribunal order to send to the respondent a schedule of loss by 30 November 2022. The Tribunal received a copy of a schedule of loss dated 9 November 2022 on 10 November 2022. The Respondent, at least now, has a copy of the schedule of loss because it was sent to the Respondent by the Tribunal by email dated 23 March 2023.
3. The application to strike out the claim is refused. This is because a fair hearing can still take place and any failure by the claimant to follow Tribunal orders was not a significant failure. Also, any failure by the claimant has now been rectified. It would be wholly disproportionate to strike out the claim on the basis advanced by the respondent.

Employment Judge Barry Smith  
27 March 2023