



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

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**Case No: 8000135/2022 (A)**

**Held at Aberdeen on 3 April 2023**

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**Employment Judge N M Hosie**

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**Miss M Ashley**

**Claimant  
No Appearance**

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**Bell & Rose Ltd t/a Whitebridge Hotel**

**Respondent  
Represented by  
Ms A Turnbull,  
Solicitor**

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**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

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The Judgment of the Tribunal is that the claim is struck out in terms of Rules 37(1)(c) and (d), in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

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**REASONS**

**E.T. Z4 (WR)**

1. The claimant, Miss Marieanne Ashley, submitted a claim form on 6 November 2022. The claim was denied in its entirety by the respondent.
2. Employment Judge Hendry conducted a case management preliminary hearing on 16 January 2023 by telephone conference call. The claimant participated in the hearing and the respondent was represented by a solicitor, Ms A Turnbull. In his Note, which was issued on 20 January 2023, Judge Hendry ordered the claimant, within 21 days, to provide a Schedule of Loss and Further and Better Particulars of her discrimination complaints.
3. The claimant failed to comply with these Orders. Despite a number of reminders, she failed to even communicate with either the Tribunal or the respondent's solicitor.
4. Accordingly, a further case management preliminary hearing was fixed for 3 April 2023 and by e-mail on 31 March 2023 the Tribunal sent a further e-mail to the claimant to advise her that she would require to attend and give a satisfactory explanation at the hearing as to why she had failed to comply with the Orders. She was also advised that if she failed to attend the hearing consideration would be given to striking out her claim.
5. She was also requested to provide a contact telephone number to enable her to participate in the hearing.
6. The claimant failed to respond. She failed to provide a contact telephone number and failed to attend the hearing.
7. In all these circumstances, I decided that the claim should be struck out in respect of the claimant's failure to comply with Orders of the Tribunal and her failure to actively pursue her claim, in terms of Rules 37(1)(c) and (d) in the Rules of Procedure. There had been no communication from her, in any form, since the case management preliminary hearing on 16 January.

8. I am satisfied that striking out this claim is in accordance with the “overriding objective” in the Rules of Procedure and in the interests of justice.

5 **Employment Judge Hosie**

**Date: 4 April 2023**

**Date sent to parties: 4 April 2023**

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