



EMPLOYMENT TRIBUNALS

Claimant: Ms B Cheetham

Respondent: Heavenly Body Ltd

JUDGMENT

1. The responses to claims 1804765/2022 and 1806679/2022 are struck out.
2. No response has been presented to claim 1800167/2023.

REASONS

1. By a letter dated 12 May 2023 the Tribunal warned the Respondent that I was considering striking out its responses to these claims. The Respondent was given until 19 May 2023 to write to the Tribunal to explain why the responses should not be struck out or to request a hearing. It has not responded.
2. As explained in the Tribunal's letter dated 12 May 2023:
 - 2.1 A preliminary hearing was originally listed to take place on 6 April 2023.
 - 2.2 The Claimant's representative sent a case management agenda, draft list of issues and schedule of loss for the preliminary hearing to the Respondent on 30 March 2023. It was sent to one of two email addresses provided by the Respondent in response to claim 1804765/2022 (the "info" email address).
 - 2.3 The preliminary hearing was postponed in response to an application by the Claimant. On 5 April 2023 the Tribunal sent a postponement order informing the parties that the hearing would take place instead on 12 May 2023. That was emailed to the "info" email address.
 - 2.4 Notice of the preliminary hearing on 12 May 2023 was also separately sent to the Respondent at the other email address provided in response to claim 1804765/2022 (the "Hannah" email address) on 5 April 2023.
 - 2.5 The Tribunal heard nothing from the Respondent following that date. The Respondent did not attend the preliminary hearing on 12 May 2023 at 10am. The Tribunal tried to call the Respondent but the phone was apparently engaged on each occasion. EJ Davies adjourned the hearing

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until 11am to give the Respondent a further chance to join. The Tribunal emailed the Respondent to the "Hannah" email address. The Tribunal's email bounced back. The email was forwarded to the "info" email address.

- 2.6 The Respondent did not join the hearing at 11am.
- 2.7 In addition, in claim number 1800167/2023, the Tribunal has no response on file from the Respondent. On 7 March 2023 the Claimant's representative made an application for judgment in that claim under Rule 21 of the Tribunal Rules. On 15 March 2023, the Respondent's representative (emailing from the "Hannah" email address) said that a response had been filed well before 24 February 2023. Emailing from the "info" email address, she sent what she described as evidence of that to the Tribunal on the same date. The Claimant's representative responded on 16 March 2023, pointing out that the evidence provided by the Respondent was the response to a different claim, and that the proof of posting related to a date before the claim form in claim number 1800167/2023 had been served by the Tribunal. It remained the case that the Respondent had not provided evidence that it had responded to the third claim. On 21 March 2023, the Tribunal informed the parties that this issue would be addressed at the preliminary hearing. The Respondent was asked to provide the Tribunal again with a full copy of the response it says it submitted and proof of sending. No such information has been provided.
- 2.8 Since the Respondent:
 - 2.8.1 Did not attend the preliminary hearing on 12 May 2023, in the circumstances outlined above;
 - 2.8.2 Did not provide the required information about its response to claim 1800167/2023; and
 - 2.8.3 Apparently, was no longer contactable at the email address it provided to the Tribunal in its ET3 response in the first claim;it appeared to me that it was not actively pursuing its responses and I was proposing to strike them out.
3. In the absence of any further communication or explanation from the Respondent, I conclude that the responses in the first two claims are not being actively pursued and that they should be struck out. I further conclude that no response has been presented in the third claim. If one had been presented, I would have concluded that it should be struck out for the same reasons in any event.
4. The Respondent will be entitled to notice of any hearings and decisions of the Tribunal but will only be entitled to participate in any hearing to the extent permitted by the Employment Judge.

**Employment Judge Davies
6 June 2023**