



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Paul Smith

**Respondent:** Network Rail Limited

## JUDGMENT

The claim is struck out.

## REASONS

1. At a Case Management Hearing on 6 March 2023 Employment Judge Self ordered that the Claimant must, by 7 days after the date on which the order was sent to the parties:
  - 1) Provide to the Tribunal and the Respondent, in writing, an explanation as to why he did not attend the hearing listed for 6 March 2023, and
  - 2) Confirm, in writing, whether it is his intention to pursue his Claim or whether he wishes to withdraw his Claim.
2. The order was sent to the parties on 24 March 2023 so the date for compliance was 24 March 2023. The order stated that if the Claimant failed to comply with both (1) and (2) above within the time specified his claim would be struck out without any further hearing pursuant to Rule 37(1) (d) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, Schedule 1.
3. The Claimant has not complied with the order or sent any correspondence to the Tribunal at all since the order was sent to the parties. The Respondent has applied by emails dated 27 March 2023 and 11 April 2023 for the claim to be struck out and the claimant has not responded to that correspondence.
4. Accordingly, the claim is struck out on the ground that it has not been actively pursued.

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Employment Judge Ferguson  
Date: 26 May 2023