



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss M Seker

**Respondent:** Rosewood Agency

## JUDGMENT

The claim is struck out.

## REASONS

1. Rule 37 of the Employment Tribunal Rules of Procedure gives the tribunal the power to strike out part of a claim on the ground that the claimant has not complied with a case management order and/or that it has not been actively pursued.
2. A hearing took place on 26 January 2023. The claimant did not attend, and could not be contacted.
3. A case management order was sent to the parties on 1 February 2023.
4. The order required the claimant to provide information about her claim by 1 March 2022.
5. The order was preceded by a case management summary. Paragraph (7) of the case management summary included the words “STRIKE OUT WARNING” in bold capitals. It stated, “if she does not provide the information ordered below by the date set out below then that will be the end of her claim.”
6. Paragraph (11) stated that a judge would review the claim after 8 March 2023.
7. The footnote to the order said that a possible option if the order was not complied with was that the claim might be struck out.
8. The claimant did not provide any further information about her claim. She has not made any contact with the tribunal.
9. Properly interpreted, the order was not an Unless Order under rule 38, in that it did not clearly state that the claim would be dismissed without further order in the event of non-compliance. It would, however, have left the claimant in no doubt that if she did not comply, her claim would be struck out unless the judge reviewing the claim could be persuaded to adopt a different course of action. She must have known that the onus would be on her to explain why her claim should be permitted to continue.

10. I therefore consider that the claimant has had a reasonable opportunity to make representations.
11. The claimant has failed to comply with a case management order and has not pursued her claim actively. There is no reason why the claim should not be struck out.

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Employment Judge Horne

23 June 2023

SENT TO THE PARTIES ON

30 June 2023

FOR THE TRIBUNAL OFFICE