



# EMPLOYMENT TRIBUNALS

**Claimant:** Nicola Richardson

**Respondent:** Greene King Retail Services Limited

**Before:** Judge M Aspinall (sitting alone as an Employment Judge)

**At:** London South Employment Tribunal **On** 16th August 2023 (video)

**Appearances:** The Claimant did not attend  
Ms R McCartney, Solicitor for the Respondent

## JUDGMENT

1. All claims brought by the Claimant are, for the reasons which follow, struck out.

## REASONS

2. This matter came before the Employment Tribunal for a Preliminary Hearing on 16 August 2023. The Claimant did not attend or make any contact with the Tribunal. The Respondent did attend and made submissions that the Claimant's claims should be struck out.
3. This claim was originally presented on 7 November 2022. The Claimant brought claims of unfair dismissal and disability discrimination against the Respondent. At a Preliminary Hearing on 13 March 2023, Employment Judge Wright ordered the Claimant to provide further information on her claims by 3 April 2023. Despite reminders from the Respondent and the Tribunal, the Claimant failed to comply with this order.
4. On 7 July 2023, Employment Judge Fowell stated the Claimant's failure to comply with orders would likely result in her claims being struck out. The Claimant was again warned to comply or her claims may be struck out. She did not comply with the Tribunal's orders.
5. Rule 37 of the Employment Tribunals Rules of Procedure 2013 allows a Tribunal to strike out all or part of a claim where there has been a failure to comply with an order (Rule 37(1)(b)) or where the claim has not been actively pursued (Rule 37(1)(d)).
6. I find the Claimant has failed to comply with the Tribunal's orders to provide further particulars of her claims, despite multiple extensions. She has also failed to actively pursue her claims, having taken no steps since issuing the claim in November 2022, save for attending the preliminary hearing in March 2023; the orders from which she has failed to follow.
7. The Claimant has been repeatedly warned that her claims may be struck out but did not engage with the Tribunal process.

8. At today's hearing, the Respondent made submissions that the Claimant's conduct has been unreasonable, and her claims should be struck out under Rule 37. The Respondent referred to the history of the Claimant's failure to comply with Tribunal orders and her failure to engage with the claims process despite warnings.
9. I accept the Respondent's submissions. The Claimant has shown a blatant disregard for Tribunal orders by failing to provide further particulars despite repeated extensions. She has taken no steps to pursue her claims since issuing them over 9 months ago. Her non-attendance today, despite the warning from EJ Fowell, indicates she does not intend to pursue the claims.
10. My Clerk telephoned the Claimant twice, unsuccessfully, this morning and left messages which have gone unreturned. An email was also sent asking her to either join the hearing or to contact the Tribunal if she was experiencing issues in doing so.
11. In these circumstances, I find it is appropriate to strike out the claims under Rule 37(1)(b) for failure to comply with Tribunal orders and Rule 37(1)(d) for failure to actively pursue the claims. The Claimant's conduct has been unreasonable and contumelious. A fair hearing is no longer possible due to her sustained lack of engagement.
12. I considered whether to allow the claims to proceed in the Claimant's absence but concluded this would not be appropriate given her wholesale failure to comply with orders and pursue the claims over a prolonged period.
13. Striking out is an appropriate and proportionate sanction given the Claimant's blatant disregard for Tribunal orders despite repeated warnings about the consequences. The Respondent should not be put to the continued inconvenience and expense of defending claims the Claimant plainly has no intention of pursuing.
14. For these reasons, I strike out the claims in their entirety under Rule 37(1)(b) and (d). The Claimant has failed to comply with Tribunal orders and failed to actively pursue the claims. Considering her conduct and lack of engagement, I conclude that a fair hearing is no longer possible.
15. The claims are therefore all struck out.
16. The final hearing listed on 2, 3, 4, 5 April 2024 is vacated.

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Employment Judge M Aspinall  
Date: 16 August 2023