



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs Marilyn Appiah

**Respondent:** Dr French Memorial Home Limited

## JUDGMENT

**The claimant's claims are struck out pursuant to Rule 37(1)(c) of The Employment Tribunals Rules of Procedure, Schedule 1 Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013.**

## REASONS

1. The claimant did not attend the hearing of 8 March 2023 and I made orders following the hearing for the claimant to: (a) confirm her intention to continue proceedings; (b) after reading my summary to identify which claims are being pursued; and (c) to explain her non-attendance at the hearing. My orders following the hearing of 8 March 2023 were clear and the consequence of non-compliance was clear (at order 1.2).
2. On 29 May 2023 I determined that the claimant's claim be struck out for non-compliance with my orders and because the claim was not being actively pursued. Unfortunately, the Tribunal clerk utilised the wrong proforma letter and on 31 May 2023 the Tribunal sent a strike out warning to the claimant. So, inadvertently, she was given a further chance to explain her non-compliance and to put this right.
3. The first the Tribunal heard from the claimant, following that hearing, was on 12 June 2023. The claimant asked for a hearing; she referred to previous correspondence but did not produce a copy of this or refer to when such correspondence was supposed to have been sent. The Tribunal clerk has searched again (and again), and no such correspondence has been received from the claimant after the hearing of 8 March 2023, until 12 June 2023. The respondent representative denies receiving a copy of this purported correspondence (which I believe). I determine that no such correspondence was ever sent.
4. Because of the claimant's brief email requesting an oral hearing on 12 June 2023, I am not so sure that the case is not being actively pursued, as that is now ambiguous. However, the claimant's response ignores the substantive's questions asked and merely

requests a hearing. This is not good enough and, I assess, such an oral hearing would not be an effective use of over-stretched Employment Tribunal resources. The claimant remains in breach of my previous orders. She has not addressed the points identified at paragraph 1(a), 1(b) and 1(c) above. The claimant has proffered no explanation for her continued breach or no explanation as to why a hearing is necessary or appropriate.

5. If the claimant disregards such important and straightforward orders at such an early stage of proceedings, then I have no confidence for the future that she will comply with any case management orders that she does not like or agree with. Consequently, I determine a fair hearing is not possible.
6. The case stands struck out for non-compliance with my previous order.

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Employment Judge Tobin

Date: 29 May 2023

JUDGMENT SENT TO THE PARTIES ON

27 September 2023

L Bakare  
FOR THE TRIBUNAL OFFICE

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