



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Smith

**Respondent:** HFD Limited

**Heard at:** Bury St Edmunds Employment Tribunal

**On:** 14 September 2023

**Before:** Employment Judge Hutchings (sitting alone)

## Representation

Claimant: did not attend

Respondent: Mrs Sharp (Counsel)

# JUDGMENT

The claimant's claims of unfair dismissal, holiday pay and unauthorised deduction from wages are struck out under rule 37 of the Employment Tribunal Rules of Procedure 2013. No claims proceed.

# REASONS

1. By a letter dated 11 September 2023 the Tribunal gave the claimant an opportunity to make representations by 4pm on 13 September 2023, as to why the claim should not be struck out or at the hearing which was set to take place on 14 and 15 September 2023. The claimant did not reply to this request. The claimant has not corresponded with the Tribunal or the respondent's legal representatives since he submitted his ET1 claim form on 19 January 2023.
2. Therefore, the claims of holiday pay and unauthorised deduction from wages are struck out because the claimant has:
  - 2.1. not complied with the Orders of the Employment Tribunal dated 15 June 2023;

- 2.2. not responded to the strike out warning dated 11 September 2023;
  - 2.3. not actively pursued the claim; and
  - 2.4. conducted the claim in an unreasonable manner to cause disruption;
2. The claimant has failed to make representations in writing, or has failed to make any sufficient representations, why this should not be done. The claimant failed to attend the hearing on 14 September 2023.
3. The hearing fixed 14 and 15 September 2023 will not take place.

\_\_\_\_\_  
Employment Judge Hutchings

14 September 2023

JUDGMENT SENT TO THE PARTIES ON

24/10/2023

N Gotecha

FOR THE TRIBUNAL OFFICE