



## EMPLOYMENT TRIBUNALS

**Claimant:** Mr C Middleton

**Respondent:** Samuel Smith (Southern)

### JUDGMENT

1. The claim is struck out. out under Rule 37 (1) (c) of the Employment Tribunals (Constitution& Rules of Procedure) Regulations 2013 for non-compliance with an Order of the Tribunal and/or (d) that it has not been actively pursued

### REASONS

2. The Claimant failed to attend a case management hearing on 6 July 2023. Employment Judge Varnam recorded at paragraph 41 of his case management order dated 12 July 2023 that he was satisfied that the Claimant had had notice of the case management preliminary hearing, but chose not to attend. This is not satisfactory.
3. In his case management order EJ Varnam ordered the Claimant to provide the Respondent with a Schedule of Loss by 16 August 2023, a list of relevant documents by 16 August 2023, and witness statements by 4 October 2023. The Claimant failed to do so.
4. In a letter dated the 10 October 2023 Employment Judge Adkin ordered the Claimant to provide by 16 October 2023 any comments on the Respondent's application for strike out/deposit order dated 4 October 2023 and to provide an explanation why he had not complied with Tribunal Orders dated 12 July 2023.
5. On the 17 October 2023 Employment Judge Brown informed the Claimant that the claim may be struck out giving the Claimant 7 days to provide any objection to strike out or to request a hearing.
6. The Claimant has not provided any response in relation to the above strike out warning letters and therefore his claim is struck out under Rule 37 (1) (c) of the Employment Tribunals (Constitution& Rules of

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Procedure) Regulations 2013 for non-compliance with an Order of the Tribunal and/or (d) that it has not been actively pursued.

7. The hearing fixed for the 1 November 2023 has been vacated.

**Employment Judge Nicolle**

**Dated 27 October 2023**

JUDGMENT SENT TO THE PARTIES ON  
27/10/2023

FOR THE TRIBUNAL OFFICE