



EMPLOYMENT TRIBUNALS

Claimant: Mr J Penalva

Respondent: Tutors International

JUDGMENT

The claim is struck out.

REASONS

1. By a letter dated the 18th of October 2023 Judge Codd gave the claimant an opportunity to make representations, as to why the claim should not be struck out because:
 - a. On the 13th of October 2022, you failed to attend the case management hearing, without explanation.
 - b. On the 13th of October 2022, you wrote to the Tribunal stating “There is enough evidence at this stage that this Tribunal is a den of corrupt judges, a criminal organisation working in favour of British companies. The new British colonialism.”
 - c. The ET1 claim is extremely vague on how the alleged philosophical belief could have amounted to discrimination, or harassment, in the manner claimed.
 - d. It therefore appears that the manner in which the claim is being presented is presently unreasonable, scandalous, vexatious, or is not being actively pursued.
2. To avoid the Claim being struck out, the Claimant needed to:
 - a. write to the Tribunal (copying in the Respondent) by the 3rd of November 2023 to explain:
 - i. The reason you did not attend the hearing, (together with any supporting documentation, demonstrating a legitimate reason for your absence).

- ii. Confirmation that you wish the proceedings to continue to be determined by the Employment Tribunal.
 - iii. You must also comply with the directions in the accompany Case management order to provide further and better particulars of claim, by the same date.
3. The claimant has failed to respond. Referring to the judiciary as a criminal organisation who are corrupt is scandalous and contemptuous behaviour.
4. Failing to respond at all to the strike out notice or comply with the directions it contained is unreasonable conduct of the proceedings and proves the claim is not being actively pursued when coupled with a failure to attend a hearing without explanation.
5. Tribunal resources are expensive, precious and in limited supply. In addition, the respondent is placed at a substantial disadvantage should it be preparing for a case without knowing whether the Claimant will take part or attend.
6. In addition, the Respondent will be at a substantial disadvantage when the claim is vague and the Respondent does not know the full case it has to meet.
7. Consequently, with no indication the Claimant will actively take part in these proceedings, and given the case is not appropriately pleaded as Codd EJ found, in my judgment no fair preparation or fair hearing of the claim can take place and it is not just to allow the Respondent to continue to incur time, effort and expense defending a vague claim.
8. I have considered other alternatives, such as preparation time/costs orders or an unless order. However, given the scandalous way the case has been conducted so far with an apparent complete disregard for the Tribunal's rules, orders or warnings, the overriding objective requires claims to be dealt with justly, avoiding expense and setting the parties on an equal footing. In my judgment given the context and background of this particular case, the just course of action is to strike out the claim.
9. The claim is therefore struck out under rule 37 (1) (a) and (d) because it is not being actively pursued and is being conducted unreasonably and scandalously.
10. The hearing fixed for the 8th of January 2024 is cancelled and will not take place.

Employment Judge G. Smart

5 January 2024

JUDGMENT SENT TO THE PARTIES ON

8 January 2024