



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4100446/2024**

**Employment Judge S MacLean**

**Mr A Taylor**

**Claimant**

**Alpha General Plastics Limited**

**Respondent**

## **JUDGMENT**

The claim is struck out under rule 37 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 on the grounds that there has been non-compliance with an order of the Tribunal dated 20 February 2024 in terms of rule 37(1)(c) and the claim has not been actively pursued in terms of rule 37(1)(d).

## **REASONS**

1. On 23 January 2024, the Tribunal sent an email to the claimant attaching a letter acknowledging the claim; confirming that it had been sent to the respondent; and requesting details within 28 days of availability for a hearing in April/May 2024. The claimant did not reply to provide availability for a hearing.
2. On 20 February 2024, the Tribunal sent an email to the claimant attaching a letter confirming that a two-day in-person final hearing would be fixed; and Tribunal orders dated 20 February 2024 regarding documents and ordering the claimant to provide within 14 days a written statement setting out his loss with supporting documentation.

3. On 21 February 2024, the Tribunal sent a notice of final hearing on 29 April and 30 April 2024 to the claimant. The dates of the final hearing were inadvertently fixed for dates that were unsuitable for the respondent. On 21 February 2024, the respondent applied for a postponement. The claimant was invited to comment on the application by 29 February 2024 but failed to do so.
4. In the absence of any comment from the claimant, an email was sent to the parties on 1 March 2024 advising that the final hearing had been postponed and was relisted on 7 and 8 May 2024. A separate notice of hearing was attached.
5. On 24 April 2024, an email was sent to the parties attaching a letter from the Tribunal advising the claimant to provide a schedule of loss by return in compliance with the Tribunal order dated 20 February 2024. The claimant did not respond.
6. At the final hearing on 7 May 2024, Mr. Grant appeared and was ready to proceed but there was no appearance by or for the claimant. Attempts were made by the Tribunal clerk to ascertain the claimant's whereabouts. The claimant advised he was unaware of the final hearing and had no notice of the hearing. The claimant confirmed his email address was the one provided in his claim form. This is the email address to which the Tribunal has been sending correspondence. None of the emails sent to the claimant was returned as not delivered.
7. On 7 May 2024, the Tribunal gave the claimant an opportunity to give written reasons for disagreeing with strike out of his claims of unfair dismissal and failure to make a payment in lieu of notice or to request a hearing in order to consider why the claims should not be struck out. The claimant was to comply by 29 May 2024
8. The claimant has failed to give an acceptable reason why such a judgment should not be made or to request a hearing. The Tribunal therefore strikes out the claim on the basis that there has been non-compliance with an order of the Tribunal and the claim has not been actively pursued.

**Employment Judge: S MacLean**  
**Date of Judgment: 05 June 2024**  
**Entered in register: 05 June 2024**  
**and copied to parties**