



EMPLOYMENT TRIBUNALS

Claimant

Ms L Lazar

Respondent

Leeds Teaching Hospitals NHS
Foundation Trust

JUDGMENT

1. The claims are struck out pursuant to Employment Tribunal Rule 37.

REASONS

The claim was presented on 22 December 2023. Notice of a preliminary hearing to take place on 3 May 2024 was sent to the parties in February 2024. The Claimant applied for that preliminary hearing to be postponed on 30 April 2024 on the basis that she could not get time off work. That application was refused because it was made less than 7 days before the hearing, there were no exceptional circumstances and the Claimant had known the hearing date for many weeks.

The preliminary hearing went ahead. Employment Judge Ayre made orders requiring the Claimant to properly clarify her claim by 31 May 2024 and to send a schedule of loss by 14 June 2024. The Claimant has not complied with those orders.

Employment Judge Ayre also listed a further preliminary hearing, because the Claimant had not attended the first one. That hearing was listed for, today 4 July 2024. Notice of hearing was sent to the parties on 8 May 2023.

On 13 June 2024 the Respondent made an application for an unless order in respect of the Claimant's failure to comply with the Tribunal's orders. Employment Judge Ayre did not make an unless order, but she wrote to the Claimant and warned her that her claim might be struck out for non-compliance with Tribunal orders and because it was not actively being pursued. She gave her until 3 July 2024 to explain why her claims should not be struck out or to request a hearing at which to do so. The Claimant has not responded to Employment Judge Ayre's order.

The only correspondence the Tribunal has had from her is three emails about today's hearing. The first was sent in response to the link provided to her to join the CVP hearing. The Claimant responded to that email to say that she was unable to make the hearing date because she was in the middle of a Tribunal hearing involving her current employer, and was facing dismissal. I treated that

as an application to postpone the preliminary hearing today. I refused that application because it was made less than 7 days before the hearing, the Claimant had not identified any exceptional circumstances, and the Claimant should have made arrangements to attend today's hearing or made a postponement application when she received the notice of hearing. If she had another Tribunal hearing, she must have known about it. If she was talking about an internal process, she should have booked 4 July 2024 off work when she received the notice of hearing almost 8 weeks ago. I said that I would give consideration to striking out the claim pursuant to Employment Judge Ayre's strike out warning.

The Claimant sent two emails in response. In the first she acknowledged the refusal of the postponement application. She said that she had been trying to resolve the situation with her current job. She said that her final probationary hearing had only been arranged 2 weeks ago. She said that she did not fully understand the term "strike out warning" but that if it meant the case would be closed, she accepted the decision. She sent a further email saying that she had never been seeking financial gain, but to expose the behaviour of her former employer.

The Claimant did not attend the preliminary hearing.

It seems to me that this case is not being actively pursued and that the Claimant is in breach of Tribunal orders as set out above. Employment Judge Ayre warned her that her case might be struck out for those reasons and gave her the opportunity to object. She has not done so. On the contrary, she appears to accept that her claim will be struck out. The Respondent has now prepared for and attended two preliminary hearings that have not been effective. No progress has been made in this claim, which was presented in December 2023. It is consistent with the overriding objective to strike it out.

S-J Davies

**Employment Judge Davies
4 July 2024**