



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C Jones

**Respondent:** Citraman Inns Ltd

**Heard:** by CVP in **Birmingham** On: 29<sup>th</sup> February 2024

**Before:** Employment Judge Codd

## Appearances

For the Claimant: Not in attendance

For the Respondent: Not in attendance

# JUDGMENT

## Rule 37 of the Employment Tribunal Rules of Procedure 2013

1. The claim is struck out under Employment Tribunal Rule 37(1)(c) because the claimant has not complied with the Tribunal's Orders and the claim is not being actively pursued.

**Employment Judge Codd**

29.02.2024

## Reasons

1. The claimant issued his claim form on the 25<sup>th</sup> of November 2020. He claimed unfair dismissal as well as unpaid wages, notice pay and other 'other payments'. The original claim was issued against Nigel Barker, however, by order of the Tribunal the respondent was amended to Citraman Inns Ltd. ACAS conciliation took place on the 25<sup>th</sup> of November 2020.
2. The claimant asserted that he had been dismissed without notice in September 2020, and that this dismissal gave rise to both the unfair dismissal claim and the claimed arrears of pay.
3. On the 5<sup>th</sup> January 2021, the claim for unfair dismissal was Struck out by the Tribunal, under S108 of the Employment Rights Act 1996, on the basis that the claimant had not attained the requisite two years of service.
4. The remaining claims for notice pay, arrears and other pay remained in issue. There appears to have been considerable delay in the matter being listed for a final hearing.
5. Upon reviewing the file I noted that five separate strike out warnings have been issued against the claimant for failing to comply with the orders of the Tribunal.
6. On the 27<sup>th</sup> of October 2023, the Tribunal issued directions, listing this matter for a final hearing, with a time estimate of 2 days. Standard directions have been issued, which neither party has complied with.
7. Upon the non attendance of the parties today, contact was made by the Tribunal with the claimant, who indicated that he did not intend to attend today's hearing. The respondent was not contactable, via phone, but has previously corresponded with the Tribunal.
8. On the basis that the claimant has not complied with multiple orders of the Tribunal previously and has not attended today, and filed no evidence in support of his claim, I determined that there would be no merit in adjourning the matter further.
9. I find that the Tribunal's orders for this hearing have not been complied with. The claimant was aware from previous correspondence that non-compliance may result in the strike out of the claim. I also find that the claimant has not actively pursued the claim, by failing to send any evidence to the Tribunal as directed and failing to attend today's hearing, despite being on notice of the hearing.

10.I therefore strike out the remaining claims on this basis pursuant to Rule 37 of the Employment Tribunal Rules of Procedure 2013.

**Employment Judge Codd**

29.02.2024