



EMPLOYMENT TRIBUNALS

Claimant: Mr A Adesuyi

Respondent: Shield Security Service Limited

JUDGMENT

The claim is struck out under rule 37.

REASONS

1. By a Case Management Order sent to the parties on 11 April 2024 which followed the preliminary hearing on 28 March 2024, at which the claimant was in attendance: the claimant was ordered to provide specific information about his unfair dismissal claim by 11 April 2024; the claimant was also ordered to provide a schedule of loss by 9 May 2024; and further orders were made in respect of disclosure (by 23 May 2024), agreement of the hearing bundle (by 6 June 2024) and the provision of witness statements (by 25 July 2024).
2. The respondent wrote to the Tribunal on 18 April 2024 to complain that the claimant had failed to provide the information specified by 11 April 2024 and applied for an unless order, when it noted that the claimant had a history of non-compliance with the Tribunal's orders, and further, that the claimant's conduct was impeding its ability to prepare for the final hearing on 17 September 2024.
3. The respondent wrote again to the Tribunal on 12 June 2024 to complain that the claimant had failed to provide a schedule of loss by 9 May 2024. It applied for the claim to be struck out, under rule 37 on the grounds that the claimant's conduct of these proceedings was unreasonable (rule 37(1)(b)), there had been a failure to comply with the Tribunal's orders (rule 37(1)(c)) and/or the claim was not being actively pursued (rule 37(1)(d)). The respondent added that the claimant's conduct continued to have an impact on its capacity to prepare for the final hearing. It also added that it had not heard from the claimant at all, presumably since the preliminary hearing on 28 March 2024.

4. The Tribunal then wrote to the claimant on 10 July 2024 in which the claimant was ordered to respond by 17 July 2024 to confirm whether he agreed that he had breached the Tribunal's orders and if so to explain why, and to confirm whether he had taken any steps to remediate these breaches. The claimant was warned that a potential consequence of breaching the Tribunal's orders was that a claim would be struck out. The claimant failed to comply with this order (having failed to correspond with the Tribunal since March 2024).
5. The respondent reiterated its strike out application on 25 July 2024 when it complained that the claimant had also failed to comply with the order to disclose his documents. It wrote again on 6 September 2024 to chase its outstanding applications.
6. The Tribunal wrote to the claimant on 12 September 2024, by reference to the foregoing information, to warn him that consideration was being given to striking out the claim on the basis that there had been repeated and ongoing failures by the claimant to comply with the Tribunal's orders / the claimant's conduct of these proceedings had been unreasonable / the claimant had failed to actively pursue the claim. The claimant was warned that if he failed to respond by 10am on 16 September 2024 either by providing his written reasons for why his claim should not be struck out or to request that his representations were considered at the hearing listed on 17 September 2024, the claim would be struck out without further order and the hearing on 17 September 2024 would be vacated.
7. No reply having been received from the claimant by this deadline, the claim has been struck out and the final hearing listed on 17 September 2023 has been vacated.

Employment Judge Khan

16.09.2024

JUDGMENT SENT TO THE PARTIES ON

24 September 2024

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FOR THE TRIBUNAL OFFICE