



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4103996/2024

Miss M Weir

Claimant

Mitie 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 the claim has not been actively pursued in terms of rule 37(1)(d).

REASONS

1. By letter dated 12 April 2024 the claimant was asked “to confirm why she feels she is entitled to claim unfair dismissal when she does not have two years” service which is normally required for such a claim. EJ Robison directs that the Claimant should also provide the information requested in paragraph 2 of the ET3” reply by 19 April 2024. No reply has been received.
2. On 29th July 2024 the claimant was issued a Notice and Order in the following terms “Employment Judge Whitcombe has considered the file (including the lack of any reply to the Tribunal’s letter of 12 April 2024) under rule 26 of the Rules of Procedure and is of the view that the complaint of unfair dismissal has no reasonable prospect of success. Employment Judge M Whitcombe therefore **ORDERS** that the complaint of unfair dismissal (only) shall be dismissed on **6 August 2024** without further order unless before that date the claimant has presented written representations to the Tribunal explaining why the claim (or

relevant part of the claim) should not be dismissed”. No reply has been received. The claim of unfair dismissal was dismissed by letter dated 26 August 2024.

3. By letter dated 27 August 2024 the Tribunal wrote to the claimant as follows:
“The claimant has failed to respond to the Tribunal’s letter of 12 April 2024 despite having been reminded to do so twice. It appears that the claimant is not actively pursuing the claim. The claimant should set out why the claim should not be dismissed because it is not being actively pursued within 14 days, pursuant to Rule 37. The claimant is to make representations in writing, or if requested, at a hearing. If the claim is to proceed, the Tribunal will proceed and fix a Cloud Video Platform hearing lasting half a day”. No reply has been received.
4. The claimant has failed to give reasons why such a judgment should not be made or to request a hearing. The Tribunal therefore strikes out the claim.

Employment Judge P O’Donnell

Employment Judge

16 September 2024

Date of judgment

24 September 2024

**Entered in register
and copied to parties**