



## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case Number: 8000567/2024**

**Mr F Adams**

**Claimant**

**Balkanproof**

**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 manner in which the proceedings have been conducted is scandalous, unreasonable or vexatious in terms of rule 37(1)(b) and that the claim has not been actively pursued in terms of rule 37(1)(d).

# **REASONS**

1. On 20 August 2024 the claimant failed to attend a case management preliminary hearing. The Tribunal wrote to the claimant on 20 August 2024 to confirm if they wished to continue to pursue their claim. On 2 September 2024 the claimant confirmed they did wish to do so.
2. On 4 September 2024 the Tribunal notified the claimant that the case management preliminary hearing would take place by video hearing at 10.00am on 1 November 2024. The Tribunal subsequently notified the claimant of change to the start time to 10.25am. The Tribunal also advised in that letter that if the claimant was unable to attend the re-listed case management hearing they

needed to provide the Tribunal (copied to the respondent's representative) with medical evidence of their inability to attend, and a medical opinion of when they would be able to attend, all in good time before the re-listed case management hearing date.

3. On 1 November 2024 the claimant did not attend the case management preliminary hearing. The claimant did not provide the Tribunal or the respondent's representative with any medical evidence. The claimant did not make any contact to explain the reason for non-attendance.
4. The Tribunal clerk attempted to contact the claimant using the mobile phone number on the claim form. The number was not recognised. The Tribunal clerk also emailed the claimant using the email address on the claim form, asking if they were attending. The claimant did not respond.
5. On 6 November 2024 the respondent's representative made a written application for strike out of the claim. That application was copied to the claimant.
6. On 13 November 2024 the Tribunal gave the claimant an opportunity to give written reasons by 26 November 2024 or to request a hearing in order to consider why the claim should not be struck out.
7. 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.

J McCluskey

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Employment Judge

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29 November 2024

Date of judgment

**Entered in register  
and copied to parties**

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02 December 2024