



EMPLOYMENT TRIBUNALS

London South Employment Tribunal

Claimant: Nicole Carr Thompson

Respondent: National Westminster Bank Plc

JUDGMENT

The claimant's remaining claims of age, disability and race discrimination are struck out for failure to comply with orders of the Tribunal, because she is not actively pursuing her claim and because her conduct of the claim has been unreasonable.

REASONS

1. Upon considering the history of this matter and the claimant's repeated failure to comply with orders of the Tribunal, I have decided to strike out the remaining claims of age, disability, and race discrimination brought by Miss Nicole Carr Thompson against National Westminster Bank Plc.
2. The claimant's claim form was presented to the Tribunal on 27 April 2024, and a preliminary hearing was held on 28 November 2024 to address various issues, including time bar and disability status. At that hearing, Employment Judge Abbott made specific case management orders directing the claimant to provide a disability impact statement and relevant medical records by 10 January 2025.
3. Despite being granted an extension until 17 January 2025 at the respondent's request, the claimant failed to comply with these orders. The respondent subsequently applied for an unless order on 29 January 2025, seeking dismissal of the claim if the claimant did not provide the required information by 5 February 2025. Today is 6 February 2025 and I have seen nothing in correspondence to suggest that the claimant has provided what was required of her in any event. The Respondents (29 January) application for an Unless Order has come before me today.
4. The orders made by Employment Judge Abbott on 28 November 2024 contained clear warnings to the claimant. Paragraph 20 stated: "***If any of these orders is not complied with, the Tribunal may: (a) waive or vary the requirement; (b) strike out the claim or the response; (c) bar or restrict participation in the proceedings; and/or (d) award costs in accordance with the Employment Tribunal Rules.***" (***my emphasis***).
5. Paragraph 21 further guided: "*Anyone affected by any of these orders may apply for it to be varied, suspended or set aside.*"
6. I am satisfied that the claimant was given ample opportunity and clear instructions to provide the necessary information and comply with the Tribunal's orders. Her failure to do so, despite the unambiguous warnings, constitutes unreasonable behaviour causing delay and

wasting scarce judicial and tribunal resources.

7. In accordance with Rule 38(1)(c) of the Employment Tribunals Rules of Procedure 2024, the Tribunal has the power to strike out all or part of a claim for non-compliance with any order of the Tribunal. Rule 38(2) requires that the claimant be given a reasonable opportunity to make representations before such an order is made, which I am satisfied has been fulfilled through the unambiguous warnings and opportunities provided.
8. Considering the claimant's repeated disregard for the Tribunal's orders, her failure to actively pursue her claims, and the clear warnings issued, I find it appropriate to strike out the remaining claims of age, disability, and race discrimination brought by Miss Nicole Carr Thompson against National Westminster Bank Plc under Rule 38(1)(c) of the Employment Tribunals Rules of Procedure 2024.
9. The respondent's application for an Unless Order is therefore refused as unnecessary.
10. All further hearings are vacated (cancelled).

Approved by:
Judge M Aspinall
(sitting as an Employment Judge)
Date: 6 February 2025

Sent to the parties on
Date: 14 February 2025

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