



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R JOHNSON

**Respondent:** ASDA STORES LIMITED

## JUDGMENT

The claim is struck out.

## REASONS

1. The Tribunal wrote to the claimant on 30 October 2025 warning them that the Tribunal was considering striking out the claim. This was because it appeared to the Tribunal, applying Rule 38 of the Employment Tribunal Procedure Rules 2024, that:
  - The claimant had not complied with the Order of the Tribunal dated 6 June 2025.
  - The Tribunal does not have jurisdiction to hear the claim.
2. The letter gave the claimant an opportunity to explain why the claim should not be struck out, or to request a hearing at which to do so. The claimant has not replied.
3. I am satisfied that the grounds for striking out the claim under Rule 38 apply, and that it would be in accordance with the overriding objective in Rule 3 to strike out the claim. This is because the Tribunal cannot hear a claim of breach of contract, under art. 4 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994, unless the Claimant's employment has terminated. The Claimant is still employed by the Respondent and therefore the Tribunal does not have jurisdiction to hear a claim of breach of contract.
4. The claim is therefore struck out.

Approved by:

**Employment Judge Bax**  
**10 December 2025**

JUDGMENT SENT TO THE PARTIES ON  
11 December 2025