



EMPLOYMENT TRIBUNALS

Claimants

D Mayers

v

Respondents

T Gilmarten Limited

JUDGMENT

1. The respondent's name is amended to T Gilmarten Limited.
2. The respondent's application to strike out the claim is dismissed.

REASONS

1. The respondent applied for the claim to be struck out on 17 October 2025. The application was copied to the claimant and he has not responded. Neither party has asked for an oral hearing of the application, so I have decided it on the papers.
2. Under Rule 38 Employment Tribunal Rules of Procedure 2024 a party can apply to strike out all or part of a claim in the grounds,
 - (a)that it is scandalous or vexatious or has no reasonable prospect of success;
 - (b)that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious;
 - (c)for non-compliance with any of these Rules or with an order of the Tribunal;
 - (d)that it has not been actively pursued;
 - (e)that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim, response or reply (or the part to be struck out).
3. The respondent relies on reasons (a), (b) and (c). It states that the claimant has failed to check and complete the list of issues, failed to file a schedule of loss, provided his disclosure five months late and filed his witness statement late. It states that the claimant has failed to provide evidence of his claims.

4. While the claimant's behaviour is concerning, I cannot conclude from the facts before me that it is no longer possible for a fair trial of his claim to take part. The claimant has made disclosure and has filed a witness statement. Whether the evidence he has supplied is enough to support his allegations is a matter for the tribunal at the final hearing. The respondent will be able to draw the tribunal's attention at the final hearing to the problems it has had in preparing for the hearing due to the claimant's lack of contact. In my view the information missing from the list of issues is not so extensive that it would mean that the respondent was unable to prepare its defence.
5. The respondent's application is refused.

Approved by:

Employment Judge W Anderson

Date: 5 December 2025

Sent to the parties on:
23 December 2025.....

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For the Tribunal Office