



EMPLOYMENT TRIBUNALS

Claimant: Mr C Thornton
Respondent: NSLX Limited

JUDGMENT

The Judgment of the Tribunal is:

1. The Response and Counterclaim are struck out under Rule 38 of the Employment Tribunal Procedure Rules 2024 and Judgment is entered in favour of the claimant.
2. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the period from May 2024 to June 2024 (one month). The amount will be calculated at the remedy hearing.
3. The complaint of wrongful dismissal is well-founded. The respondent has not paid to the claimant his notice pay. The amount will be calculated at the remedy hearing.
4. The complaint in respect of holiday pay is well-founded. The respondent failed to pay the claimant in accordance with regulation 14(2) and/or 16(1) of the Working Time Regulations 1998. The amount will be calculated at the remedy hearing.
5. The Claimant suffered a detriment by reason of a blogpost made about him in July 2024 of which he became aware in on 20th January 2025. By attempting to bring or by bringing proceedings for unpaid holiday pay, the claimant relies upon s.45A (1)(e) and (1)(f) of the Employment Rights Act 1996. The claim of post-employment detriment under s.45A Employment Rights Act 1996 is well-founded and adjourned to a remedy hearing.
6. A remedy hearing will be listed via CVP video link before a judge sitting alone with an estimated length of hearing of 2 hours. The parties will be sent the notice of hearing in due course followed by details in details.

7. The respondent's counterclaim is struck out and dismissed.

REASONS

Preamble

1. The Claim form was presented on the 12 July 2024. A response and counterclaim were received on the 30 July 2024.
2. At a preliminary hearing on the 24 June 2025 a number of case management orders were made, which have not been complied with by the respondent, and as a result of the respondent's default the case was not ready for the trial listed for 2-days starting 5 September 2025 and it was taken out of the list. The trial has not been re-listed (see below).
3. No one from the respondent attended the preliminary hearing held on the 24 June 2025 and the respondent was ordered to provide the following information:

"Respondent to Provide Details

- a. Within 7 days of receipt of this Order the Respondent is ordered to provide to the Tribunal, with a copy to the Claimant:
 - i. A named person dealing with this litigation.
 - ii. A relevant address for that person.
 - iii. Email and telephone contact details for that person."
4. The respondent did not provide the information ordered and ignored all correspondence from the Tribunal. Correspondence sent to the respondent at the registered office address was returned to the Tribunal
 5. In a letter dated 22 September 2025 Employment Judge Homes ordered the respondent to provide the information set out in the 24 June 2025 case management order, some 3 months previous. The final hearing was postponed and case management orders made. The respondent was warned that the response and counterclaim would be struck out on the grounds that they are not being actively pursued if the respondent did not provide the information ordered or defaulted on the varied case management orders. The letter was ignored; the respondent did not provide the information or action the case management orders.
 6. On the 18 December 2025 the respondent was given one last chance to comply. In a letter dated 18 December 2025 Employment Judge Ross informed the respondent that the Tribunal was considering striking out the response under rule 38. The respondent was informed of its right to object by 5 January 2026. The

respondent has not complied and the information ordered remains outstanding. The respondent has not objected to the strike out warning and it has not requested a hearing.

7. There is an active proposal to strike off the respondent which has been suspended pending this litigation.

Law

8. Under Rule 38 of the 2024 Employment Tribunal Rules

- (1) The Tribunal may, on its own initiative or on the application of a party, strike out all or part of a claim, response or reply on any of the following 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).
- (2) A claim, response or reply may not be struck out unless the party advancing it has been given a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing.
- (3) Where a response is struck out, the effect is as if no response had been presented, as set out in rule 22 (effect of non-presentation or rejection of response, or case not contested).
- (4) Where a reply is struck out, the effect is as if no reply had been presented, as set out in rule 22, as modified by rule 26(2) (replying to an employer's contract claim).

Conclusion

9. Given the sorry history of this litigation, I have concluded that it is just and equitable for the response and counterclaim to be struck out and dismissed for the following reasons:

9.1 the manner in which the proceedings have been conducted by the respondent has been scandalous, unreasonable or vexatious.

9.2 the respondent has not complied with any of these Rules or with the orders of the Tribunal.

9.3 The respondent has not actively pursued its defence and counterclaim, and

9.4 it is no longer possible to have a fair hearing.

Approved by:

Employment Judge Shotter

22 January 2026

Judgment sent to the parties on:

27 March 2026

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For the Tribunal:

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision. If written reasons are provided, they will be placed online.

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found at www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/