



## EMPLOYMENT TRIBUNALS (SCOTLAND)

Employment Judge : M Whitcombe  
Case Number: 8002218/2025

K Gould

Claimant

McQueens Dairies Ltd

Respondent

# JUDGMENT

The claim is struck out under rule 38(1)(d) of the Employment Tribunal Procedure Rules 2024 on the grounds that it has not been actively pursued.

# REASONS

1. The case was listed for a case management preliminary hearing before EJ C McManus on 7 April 2026. The claimant did not attend. A Tribunal clerk attempted to call the claimant on the contact number in the ET1 form. The claimant could not be contacted.
2. EJ C McManus' order following that hearing stated:  
  
*"As the claimant has not attended today's hearing and could not be contacted, I issue a strike out warning under rule 38(d) [sic] of the Procedure Rules. This informs the claimant that their claim may be struck out for failure to actively pursue. The claimant is given the opportunity to respond to that strike out warning, as an emergency situation may have prevented the claimant's attendance this morning. That strike out warning is issued with this Note."*
3. On 7 April 2026 the Tribunal gave the claimant an opportunity to give written

reasons by 14 April 2026 or to request a hearing in order to consider why the claim should not be struck out.

4. The claimant did not reply. She has had a reasonable opportunity to do so and a clear warning of the consequences. I now think it is proportionate and consistent with the overriding objective to strike out the claim.

**Date sent to parties**

**23 April 2026**