



EMPLOYMENT TRIBUNALS

Claimant: Sarah Martin

Respondent: Asda Stores Limited

JUDGMENT

The claim is struck out.

REASONS

1. The Tribunal wrote to the parties on 20 July 2026 with Employment Judge Jones' directions as follows:
I do not agree to the request for an extension of time to an indefinite future date. I recognise that the claimant has difficulties in managing the information to be provided in the light of her condition and other life events to which she has referred. This is a complicated case because of the number of impairments and conditions relied upon. Judge Heather has listed adjustments to assist the claimant, but ultimately the case must progress and not drift, as is presently happening. The claimant must now send the impact statement and any final documents relating to her conditions and the parties must pre-prepare the case on the basis of that. Otherwise, the Tribunal will have to consider whether a fair hearing within a reasonable timeframe is achievable and, if it is not, whether the case will have to be struck out. The parties must agree variation to the dates in Judge Heather's Order on the basis the deadline for the impact statement and disclosure of medical information runs from 28 July 2026.
2. In administration error, this letter was not sent directly to the claimant but was promptly forwarded to her by the respondent's solicitor and the claimant was reminded again on 29 July of her obligation to provide her disability evidence, provide her disclosure, make any applications to amend, and/or agree the list of issues (all of which had not been done by their respective deadlines). There are then a series of directions which must be completed before the dispute resolution appointment including, a hearing file, loss schedules, witness statements and so on.

3. On 31 July 2025 the respondent's solicitor applied for a strike out of the claim on the basis of the claimant's failure to comply with orders and failing to actively pursue her case. While there is sympathy for the claimant's circumstances, the parties cannot now be ready for a dispute resolution appointment on 14 September, and in my judgment, given the past pattern of a failure to comply, there cannot be a fair hearing over ten days commencing on 23 November 2026, bearing in mind how far behind the claimant is with directions.
4. The claimant has had an opportunity to address these matters, and respond to the strike out application **and she has not done so.**
5. I am satisfied that the grounds for striking out the claim under Rule 38 apply, and, when I come to exercise my discretion, that it is in the interests of justice to do so. The Tribunal has to provide opportunities for all arguable cases to be heard within a reasonable time frame – when orderly preparation goes awry parties have unheard cases hanging over them. The overarching impression of the chronology of this case is that it would be in accordance with the overriding objective in Rule 3 to strike out the claim. The alternatives of unless orders and/or “wait and see” involve further Tribunal resources, which are, as widely reported, under enormous strain, as well as further strain and uncertainty for all the parties. That is not fair to the parties in this case, and it is not fair to all those who do comply with orders and are stood down because an ineffective case remains in the list.
6. The claim is therefore struck out.
7. The DRA hearing on 14 September 2026 and the Final hearing on 2 November 2026 – 1 December 2026 will not take place.

Employment Judge Wade

12 August 2026