



EMPLOYMENT TRIBUNALS

Claimant
Mr D Siggery

Respondent
Bannings Butchers Limited

Heard at: Watford (CVP)

On: 25 August 2026

Before: Employment Judge S Moore (sitting alone)

Appearances

For the Claimant: No appearance

For the Respondent: Ms R Nankya, litigation consultant

JUDGMENT

- (1) The Respondent's name is changed to Bannings Butchers Limited.
- (2) The claim is struck out on the grounds it has not been actively pursued pursuant to rule 38(1)(d) of the Employment Tribunal Procedure Rules 2024.

REASONS

- 1 The Claimant was employed as a butcher between 2 January 2023 and 30 October 2025, when he resigned.
- 2 ACAS Early Conciliation took place between the Claimant and Bannings Butchers between 12 September 2025 and 24 October 2025.
- 3 The claim form was presented on 9 December 2025 making complaints of unlawful deduction of wages. The Claimant alleged he was owed holiday pay, had not been paid paternity pay and had been prevented from working on Tuesdays, however the amounts he said he was owed and how he had arrived at those sums was not particularised.
- 4 The Respondent filed its response on 9 February 2026 and requested further particulars of the sums said to be owed. The Respondent submitted the issue around pay arose in the summer of 2025, when the premature birth of the Claimant's daughter gave rise to significant complications in the health of both

his daughter and his wife, resulting in him taking time away from work and working reduced hours.

- 5 A Notice of Final Hearing dated 5 May 2026 listed a one-day Final Hearing for 25 August 2026 and made the following Case Management Orders:
 - By 12 May 2026 the Claimant to serve a Schedule of Loss
 - By 19 May 2026 the parties to exchange disclosure of relevant documents
 - By 26 May 2026 the parties to agree a hearing bundle
 - By 9 June 2026 the parties to exchange witness statements.
- 6 By letter of the same date (5 May 2026) the Tribunal informed the Claimant that it was proposing to change the name of the Respondent to Bannings Butchers Limited and the Claimant should respond by 12 May 2026 if he had any objection to that proposal. The Claimant did not respond.
- 7 The Claimant did not serve any Schedule of Loss on or before 12 May 2026 (or at all).
- 8 On 8 May 2026 the Respondent complied with its disclosure obligations, in advance of the deadline of 19 May 2026, but the Claimant did not serve any disclosure by 19 May 2026 or at all
- 9 On 21 May 2026 the Respondent made an application for the claim to be struck out as it was not being actively pursued and/or for non-compliance with an order of the Tribunal pursuant to rules 38(1)(d) and/or 38(1)(c) of the Employment Tribunal Procedure Rules 2024 ("the rules), or alternatively for an Unless Order under rule 39(1). That application was copied to the Claimant.
- 10 On 5 June 2026 the Respondent sought urgent case management to determine its application and to stay or extend the witness statement deadline.
- 11 On 17 August 2026 the Respondent chased the application again and was told that due to the proximity of the Final Hearing it would be dealt with at the hearing.
- 12 The Claimant did not attend today's hearing or give any reason for his non-attendance. The clerk telephoned the Claimant and left a message on his voicemail and also sent him an email.
- 13 The hearing was then adjourned until 10.30am by which time the Claimant had still made no contact with the Tribunal.
- 14 At the resumed hearing I considered it appropriate to strike out the claim on the grounds it had not been actively pursued pursuant to rule 38(1)(d). The Claimant has made no contact with the Tribunal or the Respondent since he lodged his claim form and has failed to respond to any communication from the Respondent or to the orders of the Tribunal of 5 May 2026. I considered the Claimant had been given a reasonable opportunity to make representations pursuant to rule 38(2) since he had the opportunity to respond to the Respondent's application of 21 May 2026 either in writing or by attending the hearing today.

Case Number: 6045519/2025 (CVP)

Approved By:

Employment Judge S Moore

Date:

25 August 2026

Sent to the parties on:

26 September 2026

For the Tribunal:

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