EMPLOYMENT TRIBUNALS

Claimant: **Ms Mariya Bardarska**

Respondent: **Cygnet NW Ltd**

RECORD OF A PRELIMINARY HEARING

Heard at: Leeds (in public by videolink) **On: 16 October 2026**

Before: **Employment Judge R S Drake**

Appearances

For the Claimant: No Attendance
For the Respondent: Ms A Fadipe (of Counsel)

JUDGMENT

1. The Claimant's claims of discrimination on the grounds of age, race, sex and disability, and harassment (all under Sections 13 to 21 and 26 of the Equality Act 2010 ("EqA")) are **struck out** under Rule 38 of the Employment Tribunals Rules of Procedure 2024 (as amended) ("the ET Rules") as having no reasonable prospects of success because of the failure to comply with case management orders dated 17 February 2026 and the failure to pursue her claims by failing to engage with the proceedings.

2. The Claimant's claims of unfair dismissal under Section 98 of the Employment Rights Act 1996 ("ERA") and of Public Interest Disclosure detriment under section 47B ERA are also **struck out** under Rule 38 of the ET Rules as having no reasonable prospect of success because of the failure to comply with case management orders dated 17 February 2026 and the failure to pursue her claims by failing to engage with the proceedings.

3. The Claimant's claims under Section 13 ERA of unlawful withholding of or deduction from salary and for holiday pay are also **struck out** under Rule 38

of the ET Rules as having no reasonable prospect of success because of the failure to comply with case management orders dated 17 February 2026 and the failure to pursue her claims by failing to engage with the proceedings.

4. The Claimant's claim for damages for breach of contract under Article 3 of the Employment Tribunals (Extension of Jurisdiction) Order 1994 is also **struck out** under Rule 38 of the ET Rules as having no reasonable prospect of success because of the failure to comply with case management orders dated 17 February 2026 and the failure to pursue her claims by failing to engage with the proceedings.

5. In any event, all of the Claimant's claims are **dismissed** under Rule 47 of the ET Rules because of the Claimant's non-attendance at this hearing.

SUMMARY REASONS

6. I heard oral submissions from Ms Fadipe for the Respondents.

7. I noted the Claimant's application by email yesterday to postpone today's hearing because she said that she was unfit to attend or participate meaningfully in the hearing and she asserted that having been warned that the hearing might be postponed, the need to attend today had not been confirmed.

8. Rule 38 provides as follows (quoting only those parts relevant to this case):

"(1) A Tribunal may, on its own initiative or on the application of a party, or part of a claim, response or reply on any of the following grounds –

(a) that it … has no reasonable prospect of success;
(b) ….. ;
(c) for non-compliance with any of these Rules or with an Order of the Tribunal;
(d) that it has not been actively pursued …"

9. Rule 47 provides as follows:

"*If a party fails to attend or to be represented at a hearing, the tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it must consider any information which is available to it, after any inquiries that may be practicable, about the reasons for the party's absence.*

10. I reached my conclusions for the following reasons:

5.1 The claims had been discussed in detail at the Preliminary Hearing before EJ DN Jones on 17 February 2026. He had warned the Claimant of the need to amend her claims if she chose to do so

because of their complete lack of detailed particularity and he directed that any amendment be applied for by 28 April 2026. Despite EJ Deeley granting a short extension of time to comply, the Claimant has completely failed to comply with this or any of EJ Jones's other orders regarding disclosure of medical evidence and other requirements for case preparation;

5.2 In the absence of particulars in the pleadings, no precise dates or details of what was actually said or done, or by whom, are set out. The Claimant has failed to pursue her claims and she faces the Respondent's applications for strike-out under Rule 38 without counterargument or evidence;

5.3 I note that the Claimant was notified that today's hearing may be postponed due to a lack of judicial resources. She was only advised that it might be postponed, not that postponement was inevitable, and so she should have regarded the likelihood of the hearing proceeding as the default position; Her application for postponement is in any event not evidentially supported and cannot therefore succeed;

5.4 Otherwise, the Claimant's non-attendance and failure to engage with the case or the Respondent since the last hearing lacks explanation which means that her non-attendance today engages Rule 47 of the ET Rules.

11. The claims are therefore **dismissed** under Rule 47 of the ET Rules but would in any event be **struck out** under Rule 38.

_____

Employment Judge R S Drake

Signed 16 October 2026

Note

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the Claimant(s) and Respondent(s) in a case.