



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4107841/2020

Mr J McMillan

Claimant

Kingdom Services Group Ltd

Respondent

JUDGMENT

The claim is struck out under rule 37 of the Rules contained in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 on the grounds that the claim has not been actively pursued in terms of rule 37(1)(d).

REASONS

1. The claimant failed to attend a preliminary hearing on 21 January 2022. There had not been any prior explanation or request for a postponement.
2. Consequently, he was asked to send a written explanation for his failure to attend to the Tribunal by no later than 4 February 2022. No reply was received.
3. Consequently, a letter was sent to the claimant on 14 February 2022 warning him that an Employment Judge was considering striking out his claim under rule 37(1)(d) on the basis that it was not being actively pursued. The letter was sent to both of the postal addresses used by the claimant from time to time and also by email to two different email addresses used by the claimant in the past. The deadline for a reply was 28 February 2022.
4. No reply of any sort was received by that deadline or by the date of this judgment. I therefore strike out the claim on the basis that it has not been actively pursued. I am satisfied that it would be fair and proportionate to do so given the claimant's lack of engagement, the cost and delay caused and the fact that a fair hearing is not possible without his engagement.

5. This judgment will also be sent to both of the postal addresses and both of the email addresses held on file for the claimant.

Employment Judge: Mark Whitcombe
Date of Judgment: 03 March 2022
Entered in register: 03 March 2022
and copied to parties