



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss T Anderson

**Respondent:** Shyne Together Limited

**Heard at:** Nottingham      **On:** Friday 3 January 2020

**Before:** Employment Judge Hutchinson (sitting alone)

## Representatives

**Claimant:** No appearance

**Respondent:** Mr Bernard, Solicitor

## JUDGMENT

The Employment Judge gave judgment as follows: -

The claims of constructive unfair dismissal, holiday pay and wages are all struck out.

## REASONS

### Background to this hearing

1. The Claimant presented her claim to the Tribunal on 2 July 2019. She had been employed by the Respondents as a Therapeutic Support Worker between 4 March 2019 and 1 May 2019. She had provided little or no details of the claim on the form and submitted what she described as “supported evidence” on 3 July 2019. That itself though did not explain the basis of her claims of: -

- Constructive unfair dismissal
- Wages
- Holiday pay

2. The claim was accepted and served upon the Respondents and the matter was listed for hearing. Case management orders were made including an order that the Claimant provide a schedule of loss by 2 September 2019 and exchange a list of documents with the Respondents on 28 October 2019.

3. The Respondents filed their response to the claim on 19 August 2019.
4. On 20 September 2019 the Claimant requested an extension of time to comply with case management orders and this request was granted by my colleague Employment Judge Heap. The Claimant then had until 24 October 2019 to comply with the earlier case management orders.
5. Nothing further has been heard from the Claimant since that date.
6. On 11 October 2019 the Respondent requested further and better particulars but has received no response from the Claimant in respect of that request.
7. On 18 November 2019 my colleague Regional Employment Judge Swann conducted a closed telephone Preliminary Hearing for case management. The Claimant failed to join in the telephone Preliminary Hearing and he postponed the Preliminary Hearing to today's date. He also stayed the earlier orders made on 22 July 2019.
8. He ordered the Claimant to comply with the following orders in writing to the Tribunal with a copy to the Respondent's representative by no later than 7 days from the date of the submission of this order to the parties:
  - “(a) To set out fully in writing the reason why the Claimant has failed to comply with the orders of the Tribunal submitted to the parties by letter from the Tribunal dated 22 July 2019 to provide a schedule of loss by no later than 2 September 2019 to the Respondent and to forward a list of the documents that she wishes to refer to at the final hearing and to submit copies of the same to the Respondent by no later than 28 October 2019, and;
  - (b) To provide a full explanation in writing to the Tribunal (copied to the Respondent) as to why she has failed to join in this telephone Preliminary Hearing today, and;
  - (c) If her failure to join in the telephone Preliminary Hearing today was because of a medical reason or reasons, then to submit a copy of any medical evidence explaining the same to the Tribunal with a copy to the Respondent.”
9. He provided that unless the Claimant complied fully with the above orders no later than 7 days from the date of despatch of the order to the satisfaction of the Employment Tribunal then her claim would be dismissed without further order.
10. That order was sent to the parties on 7 December 2019.
11. Nothing further has been heard from the Claimant.
12. This hearing was in fact unnecessary because the claim could have been dismissed without the necessity of a hearing.

13. The Tribunal has still heard nothing from the Claimant and she has not attended this case management hearing either. I am satisfied therefore that: -

13.1 The claim is not being actively pursued.

13.2 The Claimant has not complied with the orders of the Tribunal dated 22 July 2019 and 21 November 2019.

13.3 The Claimant has failed to make any representations in writing as to why the claim should not be struck out and the claims are therefore struck out with effect from today.

14. The hearings listed in November 2020 will not take place.

---

Employment Judge Hutchinson

Date 28 January 2020

JUDGMENT SENT TO THE PARTIES ON

.....  
.....  
FOR THE TRIBUNAL OFFICE

Notes

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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.