



EMPLOYMENT TRIBUNALS

Claimant: Mr D Van Eeden
Respondent: Marks and Spencer Group plc

RECORD OF A PRELIMINARY HEARING

Heard at: London Central Employment Tribunal
On: 21 July 2021
Before: Employment Judge Palca

JUDGMENT

The claimant's claims against the respondent are dismissed in their entirety.

REASONS

1. On 7 June 2021, at a case management hearing which the claimant did not attend, the tribunal made the following order:
"Given that the claimant did not attend this remote hearing, and has not communicated with the respondent since he began these proceedings, the claimant is ordered to inform the tribunal in writing by **18 June 2021**, with a copy to the respondent, whether it remains his intention to pursue these proceedings."
2. The claimant did not comply with that order. Therefore on 29 June 2021 the claimant was ordered by 5pm on 6 July 2021 to provide the tribunal with written representations as to why his claim should not be struck out. No response has been received to this letter.
3. The respondent has applied for an order that the claimant's claim be struck out.
4. Rule 37 of the Employment Tribunal Rules of Procedure 2013 empowers a tribunal, either on its own initiative or on the application of a party to strike out a claim on various grounds, including for non-compliance with an order of the tribunal or because the claim has not been actively pursued.
5. In the present case, the claimant has failed to comply with orders of the tribunal, and has failed actively to engage in these proceedings, apparently since they were commenced.

6. Therefore, pursuant to the powers vested in the tribunal by Rules 37(1) (c) and (d), all the claimant's claims against the respondent are dismissed.

Employment Judge Palca

21st July 2021

Sent to the parties on:

21/07/21.

For the Tribunal:

