



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4109353/2021 Held on 31 January 2022

Employment Judge O'Donnell

Ms K Traynor

Claimant

Fiona Campbell T/A Division Hairdressing

Respondents
Represented by:
Mr McGowan (Solicitor)

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. A preliminary hearing was listed to be heard on 21 January 2022. The Tribunal clerk made several attempts to contact the claimant but was unsuccessful. There was no contact from the claimant in advance of the hearing to indicate that she was unable to attend or seeking a postponement of the hearing.
2. On reviewing the file in advance of the hearing, Employment Judge O'Donnell noted that there were a number of occasions when the claimant had failed to engage with the Tribunal process:-

- a. She has not complied with the Order of the Tribunal dated 27 July 2021.
 - b. She did not engage with the Respondent's request to postpone the final hearing that had been listed in December 2021.
 - c. She did not provide a completed date listing stencil for the re-listed final hearing.
 - d. She has made no objections or comments on the Respondent's application to strike-out.
3. The claimant's failure to attend the hearing on 21 January, along with the matters listed above, raises the question of whether she does intend to pursue her claim. A final hearing has been listed to start on 22 February 2022 and Employment Judge O'Donnell considered it would not be in keeping with the overriding objective to put the Respondent to the unnecessary cost of preparing for such a hearing if the Claimant has decided to abandon her claim.
 4. On 21 January 2022 the Tribunal gave the claimant an opportunity to give written reasons by 28 January 2022 or to request a hearing in order to consider why the claim.
 5. The claimant has failed to give an acceptable reason why such a judgment should not be made or to request a hearing. The Tribunal therefore strikes out the claim.
 6. The final hearing listed to start on 22 February 2022 is hereby discharged.

Employment Judge: Peter O'Donnell
Date of Judgment: 31 January 2022
Entered in register: 03 February 2022
and copied to parties