



# EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4111533/2021

Employment Judge R Gall

Mr L Gardner

Claimant

Spectrum Properties (West) 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. On 26 October 2021, the claimant was asked to confirm if he agrees that his employer was Spectrum Properties (West) Ltd, as per the respondent's letter of 18 October 2021. If he did not agree, the claimant was asked to provide the reason. No reply was received.

2. On 10 November 2021, the Tribunal sent a reminder to the claimant to provide a response to the letter of 26 October 2021. No reply was received.
3. On 23 November 2021, the Tribunal issued a second reminder to the claimant to provide a response. No reply was received.
4. On 22 December 2021, the Tribunal asked the claimant again to provide a reply and informed them that a failure to reply could result in the file being referred to an Employment Judge to consider strike out of the claim for failure to actively pursue. No reply was received.
5. On 14 January 2022, the claimant failed to attend a preliminary hearing and Employment Judge S Cowen ordered that the claimant confirm within fourteen days whether he wanted to continue with his claim. The Order was contained in a note following the preliminary hearing that was issued to parties on 18 January 2022. No reply was received.
6. On 11 February 2022 the Tribunal gave the claimant an opportunity to give written reasons by 22 February 2022 or to request a hearing in order to consider why the claim should not be struck out.
7. 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.

**Employment Judge: R Gall**  
**Date of Judgment: 25 February 2022**  
**Entered in register: 28 February 2022**  
**and copied to parties**