



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss A A Khan  
**Respondent:** Aidem Digital  
**Heard at:** Birmingham (by CVP)      **On:** 12 October 2022  
**Before:** Employment Judge C Kelly

**Representation**  
**Claimant:** Did not attend and was not represented.  
**Respondent:** Mr I Deol

## JUDGMENT

**UPON** the Claimant not attending, having emailed the Tribunal at 09.18 hrs on 12 October 2022 to explain that she has anxiety and heart palpitations, and thus unable to attend at the hearing.

**AND UPON** the Tribunal noting that this is the fourth consecutive hearing that the Claimant has not attended, and that her explanations of having COVID at two of the hearings, whilst supported by evidence of a lateral flow test having been taken on 6 July 2022, do not explain why she was unable to attend at telephone/video hearings for which she need not leave her home, and the Tribunal thus having grave concerns as to whether the Claimant would realistically engage in any further hearings if listed.

**AND UPON** the Tribunal noting that whilst the Claimant had complied in part by sending her further particulars in respect of her claim concerning sex discrimination, she had failed to copy in the Respondent as specifically directed by the Tribunal and having been warned of the need to do so on prior occasions and the fact that it is a simple step to ensure compliance.

**AND UPON** the Tribunal having provided an opportunity to make representations regarding a potential strike out of her claim, in whole or part, by the Order of 6 July 2022, which was emailed by the Tribunal to the Claimant that same day, and thus satisfied the requirement for the Respondent to have the opportunity to make representations regarding strike out pursuant to Rule 37(2) of the Employment Tribunals Rules of Procedure 2013 (“the 2013 Rules”).

IT IS DIRECTED THAT:

1. The Claimant’s claim is struck out in full.
2. The Claimant’s conduct in failing to attend at any of the four listed hearings, given that

such were telephone/video hearings, and whether by herself or others, does not permit of a reasonable explanation and as such, amounts to unreasonable conduct for the purposes of Rule 76, it orders that the Claimant pay the Respondent's costs of these proceedings assessed in the sum of £180, such sum to be paid by 4pm 26 October 2022.

3. The respondent shall be reflected in the proceedings as "Aiden Digital CIC" (to the extent it is not so recorded at present).

Employment Judge Kelly  
12 October 2022