



EMPLOYMENT TRIBUNALS

Claimant: Ms C Araka
Respondent: FIRZA LTD (In voluntary liquidation)
Heard at: East London Hearing Centre (by CVP)
On: 2 September 2022
Before: Employment Judge Sharkett
Representation:
Claimant: No appearance
Respondent: No appearance

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant has failed to actively pursue her claim for a protective award. The claim is struck out under Rule 37 (1) (d) of the Employment Tribunal Rules of Procedure.

REASONS

1. By a claim form of 11 March 2022 the claimant pursues a claim for a protective award. In respect of this claim the claim form contains only the words "Protective Award" and gives no detail of the basis on which the protective award is pursued.
2. The claim was accepted and a Notice of Hearing sent together with case management orders on 20th April 2022
3. By letter of 12th July 2022 the claimant, through her representatives, the Pharmacists Defence Association, was asked to provide particulars of her claim together with the number of employees. No response was received.
4. By letter of 19th July 2022 the Pharmacists Defence Union wrote to the Tribunal advising that they were no longer acting for the claimant.

5. The claimant was given notice by email of 28 July 2022 that the Tribunal was considering a strike out of her claim because it had not been actively pursued. The claimant noted her objection to a strike out by email of 6th August in which she indicated that personal matters had restricted her ability to actively pursue her claim. She further asked for an indication of how to move forward now she was no longer represented. By email of 17th August 2022, the claimant was advised to comply with the case management orders of 20th April 2022. No further communication has been received from the claimant up to the date of this Hearing.
6. At the start of the Hearing today the claimant was not in attendance and she had not notified the Tribunal that she did not intend to attend. Enquiries were made of the claimant by telephone who indicated that she was not aware of the hearing. She indicated that she was at work so was unable to join the meeting. She did not offer any explanation of why she had not complied with the case management orders of the Tribunal or made any other effort to pursue her claim from the time her representatives came of record.
7. I considered whether I would be able to determine the claimant's claim on the basis of the information before me, but it was clear that the claim was not particularised at all and therefore this would not be possible.
8. I have had regard to the fact that the claimant has been aware since at least 19th July 2022, that she is no longer represented, and that she has failed to comply with any of the case management orders she was reminded of by email of 17th August 2022. The claimant has not provided any medical reason for her failure to actively pursue her claim and I was not satisfied that she has shown any indication that she would do so particularly as there is no evidence of her pursuing her claim since the strike out warning was issued on 28th July 2022. I therefore determined that the claimant was not actively pursuing her claim and struck out the same under Rule 37(1)(d) of the Employment Rules of Procedure.

**Employment Judge Sharkett
Dated: 2 September 2022**