



EMPLOYMENT TRIBUNALS

Claimant: Miss Fella Chemlal

Respondent: The Dorchester Hotel Limited

JUDGMENT

The claim is struck out.

REASONS

1. By a letter dated **13 February 2023** the Tribunal gave the claimant notice of the Respondent's application to strike out and informed the Claimant that if she did not attend and did not comply with the orders made at the last hearing, the application may be considered.
2. Under rule 47 of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013 Sch 1 rule 47 where a party fails to attend or be represented, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party.
3. The Tribunal chose to proceed with the hearing in the absence of the Claimant.
4. The Respondent made an application dated **7 February 2023** that the Tribunal should consider striking out, on the basis that under rule 37;
 - the claim has no reasonable prospect of success.

- the claimant had not complied with the Order of the Tribunal dated **14 December 2022**.
 - it has not been actively pursued.
5. The Respondent's oral submissions were accompanied by a full written submission and a bundle of documents which were referred to throughout the hearing.
 6. It was noted that EJ Norris on 14 December 2022 (when the Claimant was present on CVP) ordered that the Claimant provide;
 - a. A Schedule of Loss – this has not been received by the Respondent
 - b. Agree a list of issues – this was sent by the Respondent in accordance with the order, but the Claimant has not engaged or responded to it,
 - c. Disability status – the Claimant has not provided medical records from which her condition(s) could be considered by the Tribunal or Respondent. Nor has she provided an impact statement, as was ordered.
 7. The Claimant has therefore failed to comply with multiple orders of the Tribunal on 14 December 2023.
 8. The Claimant also failed to attend today, having been notified of the hearing on the last occasion and having been reminded by a Notice of Hearing dated 20 December 2022, the Tribunal's letter of 13 February 2023 and the Respondent's email of 10 March 2023 and letter of 7 March 2023.
 9. The clerk of the Tribunal made a number of calls to the Claimant's phone number today, each of which rang, but were not answered. No answerphone service was available. The hearing did not commence until 10.15am in order to give the Claimant a chance to connect to the CVP call.
 10. The Claimant has previously failed to comply and to attend hearings and was subject to a previous 'Unless Order' on 1 December 2021, which she did respond to.
 11. The claimant has failed to make representations in writing, or to attend the hearing today to say why her claim should not be struck out. The claim is therefore struck out.

Employment Judge Cowen

17 March 2023

JUDGMENT SENT TO THE PARTIES ON

17/03/2023
FOR THE TRIBUNAL OFFICE