



EMPLOYMENT TRIBUNALS

Claimant: Miss J Coker

Respondent: Mitchells and Butlers Retail Limited

Heard at: Manchester

On: 11 July 2017

Before: Employment Judge Slater

Representation

Claimant: Not present

Respondent: Miss S Laughton, solicitor

JUDGMENT

The claim is struck out on the grounds that it has not been actively pursued.

REASONS

1. The claimant did not attend this preliminary hearing.
2. The claimant had not attended a previous preliminary hearing on 3 April 2017. She had emailed the tribunal in the early hours of that day to say she would be unable to attend the hearing due to mental health issues. A judge postponed that preliminary hearing and made orders, including one requiring the claimant to send medical evidence explaining her current state of health and giving a prognosis as to when she may be fit to attend a further preliminary hearing. The claimant sent to the tribunal, on 25 April 2017, a fit note signed by her GP on 8 April 2017, certifying the claimant as unfit for work in the period 29 March to 8 May 2017 due to "anxiety states". There was no medical evidence as to a prognosis supplied to the tribunal. However, the claimant wrote on 24 April that the end of June would be the most appropriate time to start proceedings again.
3. The orders made on 3 April set out matters to be considered at the relisted preliminary hearing. The orders included a statement that, if the claimant failed to attend the relisted preliminary hearing, the judge might strike out the claim in its totality on the ground that it was not being pursued.

4. By letter dated 12 May 2017, the parties were advised that a preliminary hearing was to be held on 11 July 2017 beginning at 10 a.m. The letter was sent to the claimant at the address she had supplied to the tribunal by email dated 16 April 2017 as being her new address. In that email she also notified the tribunal of a change of email address and that her old phone number was no longer in use, but did not supply a new telephone number.

5. The respondent attended the preliminary hearing on 11 July 2017. The preliminary hearing was due to start at 10 a.m. The judge delayed the start of the hearing in case the claimant had been held up. By 10.30 a.m. the claimant had not arrived. The claimant had not contacted the tribunal to say she would not be attending.

6. In the circumstances, I considered it in the interests of justice to strike out the claim on the grounds that it has not been actively pursued.

Employment Judge Slater

Date: 11 July 2017

JUDGMENT & REASONS SENT TO THE PARTIES ON

19 July 2017

FOR THE TRIBUNAL OFFICE