



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 106755/2010

**Mr J Cunningham as Husband
of The Late Mrs Cunningham**

Claimant

East Ayrshire Council

Respondents

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. The claimant's solicitors having withdrawn from acting, a letter was sent to the claimant on 6 April 2023 on the direction of an Employment Judge asking for confirmation of the claimant's intention with regard to the claim.
2. That correspondence has been returned to the Tribunal Office indicating that the claimant no longer resides at the address provided on the ET1.
3. No steps have been taken by the claimant to advise the Tribunal of his new address. In the absence of this information the tribunal cannot communicate with the claimant. The Tribunal have been unable to give the claimant notice under rule 37(2) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.
4. The Tribunal assumes in these circumstances that the claimant no longer wishes to pursue the claim, which is struck out under rule 37(1)(d) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

Employment Judge: Frances Eccles
Date of judgment: 26 April 2023
Date sent to parties: 26 April 2023