



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss Louise Murdoch

**Respondent:** Sierra 1 Security Stewarding Limited

**Heard at:** Sheffield **On:** 5 November 2024

**Before:** Employment Judge D N Jones

## REPRESENTATION:

**Claimant:** Not in attendance

**Respondent:** Mr Overs, litigation executive

# JUDGMENT

The claims are dismissed under rule 47.

# REASONS

1. The claimant has not communicated with the Tribunal or the respondent since 12 July 2024, when she requested a hearing. This was in response to an invitation to provide written reasons why her complaint should not be struck out on the grounds she had no reasonable prospects of arguing the claims were in time and she had not actively pursued the case.
2. This had followed an Order made on 28 March 2024. That had required the claimant to show cause why the claims should not be struck out because they were outside the time limit. The Order described both time limits. The date for those representations to have been sent was 12 April 2024. On 13 May 2024 the claimant submitted a document showing the amount she said was owed but did not provide any reasons why the claim was in time nor did she request a hearing.
3. The Tribunal allowed a further period for written representations to be provided to 5 July 2024. None were sent.

4. On 12 July 2024 the Tribunal issued a strike out warning because the claimant had not responded. It was in response to that, as set out in paragraph 1, the claimant requested a hearing.

5. No explanation has been provided for the failure of the claimant to attend the hearing, no written representations provided, nor an application to postpone made. The respondent attended this hearing by its two directors and a representative. In the light of the above history and delays, it is in the interests to dismiss the claims in the claimant's absence.

6. The Tribunal had regard to the information in the case file which led to the hearing being listed. It noted that the primary time limit for bringing these cases under section 23(2) of the Employment Rights Act 1996 and section 123 of the Equality Act 2010, expired three months after the date the maternity pay was due and unpaid or when she was removed from a supervisors' course, respectively. She left the employment of the respondent on 28 February 2023. The claims were not brought until 4 December 2023, more than nine months after the claimant had left her employment. The claimant would have had to satisfy the Tribunal that it had not been reasonably practicable for her to have presented the claim for unauthorised deductions from wages by three months from the date the maternity pay had become due and was unpaid, and that she had presented it within a reasonable period after it had become reasonably practicable to bring it, or that the pregnancy and maternity discrimination complaint had been presented within such further period beyond the three months after the course had been withdrawn that was just and equitable. She has failed to do so.

Employment Judge D N Jones

Date: 5 November 2024

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