



EMPLOYMENT TRIBUNALS

Claimant

Mr D R Starbuck

Respondent

Conilon Ltd t/a Black Sheep Coffee

JUDGEMENT

Under Rule 37(1)(b) and (d) of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013, the Claimant's complaints are struck out in their entirety because they are not being actively pursued and because the manner in which he is conducting these proceedings is unreasonable.

Employment Judge A Stewart

Date 11 December 2024

Judgment sent to the parties on

19 December 2024

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FOR THE TRIBUNAL OFFICE



REASONS

1 The Respondent, on 10 December 2024, made application to strike out the Claimant's complaints on the grounds of unreasonable conduct and failure properly to pursue his claims.

2 The Claimant has failed to engage with his claims since formal presentation of the ET1 at the end of July 2024. In particular:

(i) He failed to attend a PH for case management held on 29 October 2024, without any reason given, and did not respond to the Tribunal Clerk's attempts to contact him. The hearing went ahead in his absence, as set out in the Tribunal's orders and record of that hearing.

(ii) He has failed to comply with Tribunal orders by the dates set for compliance (12 and 26 November 2024) without any request for time extension or any excuse offered.

(iii) He has failed to respond to any correspondence from the Tribunal or the Respondent at any time and is not answering phone or email. There has been no contact from the Claimant since presentation of his ET1.

3 Further, Tribunal Orders promulgated immediately following that PH set out, in terms, a warning that the Claimant risked his claims being struck out if he did not properly engage with his case.

4 The Tribunal has concluded that the Claimant's conduct of his case is entirely unreasonable and that he has done nothing whatever to engage, comply with Tribunal Orders, offer a reason for not doing so, or seek a time extension for compliance. This shows that his claims are not being actively pursued.

5 Accordingly, under Rule 37, they are struck out in their entirety.

Employment Judge A Stewart

Date 11 December 2024

Reasons sent to the parties on

19 December 2024

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