

# THE INDUSTRIAL TRIBUNALS

CASE REF: 7083/19

**CLAIMANT:** Nicola Hunt

**RESPONDENT:** Greggs PLC

## DECISION ON A PRE-HEARING REVIEW

The decision of the tribunal is that the claim is struck out in its entirety on the ground that it has not been actively pursued.

### CONSTITUTION OF TRIBUNAL

**Vice President (sitting alone):** Mr N Kelly

### APPEARANCES:

**The claimant did not appear and was not represented.**

**The respondent was represented by Mr Sean Doherty, Barrister-at-Law, instructed by Carson McDowell LLP Solicitors.**

1. The claimant lodged a tribunal claim on 4 March 2019. In that claim she alleged that she had been employed as a customer assistant in the Larne branch of Greggs from 21 May 2018 to 15 February 2019. She alleged discrimination on the ground of sexual orientation and unfair dismissal. She stated that Greggs had suspended her when a customer has used homophobic language towards her. The alleged incident occurred on 23 December 2018. The claimant complained of the way the manager had dealt with the matter and accused the manager of lying.
2. A response was lodged on behalf of the respondent on 2 May 2019. The respondent stated that the claimant had been invited to a disciplinary hearing and had resigned in advance of that disciplinary hearing.
3. The respondent stated that the incident on 23 December 2018 had been subject to an initial investigation which had indicated that the claimant had been aggressive towards a customer. The respondent stated that the claimant did not allege in the course of that initial investigation that any comments relating to her sexual orientation had been made towards her. The claimant was suspended after that initial investigation and a further investigation meeting was arranged for 8 January 2019. The claimant did not attend that meeting and that meeting was rearranged for 12 January 2019. The claimant confirmed that she had received notification of that meeting but again failed to attend. The respondent decided to

progress the matter to disciplinary action and arranged a disciplinary meeting on 17 January 2019. The claimant resigned by text on 15 January 2019. The respondent asked the claimant to reconsider her position and retract her resignation. She did not do so. The respondent accepted her resignation.

4. This matter was listed for a Case Management Discussion on 28 June 2019. Again the claimant did not attend. The claimant was directed in an Unless Order to provide an explanation for her non-attendance, to confirm whether or not she was claiming in respect of unauthorised deduction from wages and to confirm that she accepted that Greggs PLC was the correct legal title of the respondent. The claimant did not respond to that Order in the terms directed.
5. On 6 July 2019, the tribunal received an email, from the claimant's own email account, from an individual named "Skye". That email stated that the claimant did not understand what the Unless Order required and asked for an explanation. She referred to mental health difficulties.
6. The tribunal provided an explanation of that Order, although it is difficult to see why one was required, on 22 July 2019.
7. The tribunal wrote to the claimant asking her for medical evidence in relation to the mental health condition alleged by "Skye".
8. On 11 August 2019, the claimant emailed the tribunal to state:

*"Please leave me alone, I do not no (sic) what these emails are about or why you keep emailing me, I don't work at Greggs!"*
9. The matter was listed for a Pre-Hearing Review to determine whether or not the claim should be struck out. At that stage the tribunal had been left with an extant claim involving an individual in respect of whom it had been alleged that there had been mental health issues.
10. At the Pre-Hearing Review on 22 November 2019 the claimant again did not attend and did not provide any explanation for her non-attendance.
11. Although mental health issues had been put forward on the claimant's behalf in the email from "Skye" on 6 July 2019, no medical evidence whatsoever has been provided in that respect and furthermore the claimant has positively indicated on 11 August 2019 that she does not wish to continue with this action.
12. At the end of the hearing therefore the claim was struck out in an oral decision.

**Vice President:**

**Date and place of hearing: 22 November 2019, Belfast.**

**Date decision recorded in register and issued to parties:**