

THE INDUSTRIAL TRIBUNALS

CASE REF: 1015/19

CLAIMANT: David Conway
RESPONDENT: Royal Mail Group Limited

DECISION

The unanimous decision of the tribunal is that the claim is dismissed.

CONSTITUTION OF TRIBUNAL

Vice President: Mr N Kelly
Members: Mrs Elliott
Mr McKeown

APPEARANCES:

The claimant was represented by Mr Keith Humphries of Independent Legal Services.

The respondent was represented by Mr Conor Hamill, Barrister-at-Law, instructed by Carson McDowell LLP Solicitors.

1. This was a claim of alleged disability discrimination and alleged unfair dismissal which had been case managed.
2. On the first day of hearing on 12 August 2019, I conducted a Case Management Discussion at 9.30 am concerning Discovery and the composition of the bundle. No mention was made at that Case Management Discussion of any difficulty with the claimant's attendance at the substantive hearing.
3. The substantive hearing was due to commence at 11.30 am.
4. At 11.30 am Mr Humphries indicated that he had just been told that the claimant would not be present. He stated that he had been told that the claimant was engaged in a job interview process in the Airport and that he would not be free until approximately 3.00 pm. There was no documentary or other evidence relating to that job interview process and no indication of when it had been arranged and notified to the claimant.

5. I expressed dissatisfaction that neither the tribunal nor the respondent had been notified of any difficulty on the claimant's part in attending at the stated time. It was obvious, even if the claimant had been engaged in a job interview process at the airport, that that process would have been notified to him in good time and he would have known several days in advance of today's hearing that he would not be able to attend. Despite that, no application for a postponement or for a late start had been received from the claimant and he had not even informed his representative of any difficulty until just before 11.30 am.
6. I directed that the other witness for the claimant should give evidence. He did so and was cross-examined. After that, the tribunal rose until 3.00 pm to enable the claimant's attendance. It was made plain to the claimant's representative that the claimant had to attend at 3.00 pm and that he had to be in a position to explain his failure to attend at 11.30 am.
7. At 3.00 pm Mr Humphries indicated that the claimant had not attended.
8. The tribunal therefore unanimously dismissed the claim. The claimant had failed to prosecute his claim.
9. In the circumstances of the case, where the claimant was claiming jobseekers allowance, the respondent made no application for costs.
10. The claimant has treated the tribunal with complete discourtesy in this matter and has caused significant public expense to the tribunal and also expense to the respondent in this regard. His behaviour and his attitude to this litigation has been deplorable.

Vice President:

Date and place of hearing: 12 August 2019, Belfast.

Date decision recorded in register and issued to parties: