



EMPLOYMENT TRIBUNALS

Claimant: Mr C Bowyer

Respondent: Avensure Ltd

Heard at: Manchester

On: 7 March 2019

Before: Employment Judge Holmes

REPRESENTATION:

Claimant: Not in attendance

Respondent: Mr Cameron, Consultant

JUDGMENT ON PRELIMINARY HEARING

It is the judgment of the Tribunal that the claimant having failed to attend or be represented before the Tribunal at the preliminary hearing listed at 10.00am on 7 March 2019, his claims are struck out pursuant to rule 47 of the 2013 Rules of Procedure.

REASONS

1. The claimant's claims of disability discrimination and unfair dismissal were listed for a preliminary hearing on 7 March 2019 at 10.00am. Notice of Hearing was sent to the parties by a letter of 14 December 2018.

2. The claimant's claim form presented to the Tribunal on 14 November 2018 was a document prepared by himself in which he ticked the box for disability discrimination, but also indicated that he wished to complain of unfair constructive dismissal. The claimant attached to this document notes of a grievance meeting held on 11 September 2018. The Tribunal found this a difficult claim form to understand, and consequently wrote to the claimant by a letter of 19 November 2018 asking him for further details of his claims. The claimant provided those by an email of 26 November 2018. The respondent responded to the claims, but the Tribunal noticed

that the claimant had still not provided details of his disability, and consequently by a letter of 6 February 2019 it wrote to him again asking for him to provide particulars of the condition or conditions that he relied upon for his disability claim, and to do so by 20 February 2019. The claimant did not respond to that letter, and consequently by a further email of 28 February 2019 the Tribunal sent a reminder to the claimant asking him to reply and provide the particulars of his disability by return.

3. The claimant had not attended the Tribunal at 10.00am. Enquiries were made as to whether any message had been received from him, but none had been. The case was consequently called on at 10.40am, when Mr Cameron, a consultant, appeared on behalf of the respondent. The Employment Judge enquired of him if he had had any further correspondence or communication with the claimant, but he had not. Consequently neither the Tribunal nor the respondent have had any communication with the claimant since November 2018.

4. In these circumstances Mr Cameron invited the Tribunal to dismiss the claimant's claims under rule 47. That rule provides that a Tribunal may dismiss a claim if a party fails to attend or be represented at a hearing. Before doing so, however, the rule requires the Tribunal to consider any information which is available to it after any enquiries have been made that may be practicable about the reason for the party's absence.

5. There being no apparent reason for the claimant's absence, and particularly given his failure to respond to recent Tribunal correspondence, the Employment Judge decided that the appropriate order to make was indeed to dismiss his claims.

6. They are accordingly dismissed pursuant to rule 47.

Employment Judge Holmes

Dated : 7 March 2019

JUDGMENT AND REASONS SENT TO THE PARTIES ON

12 March 2019

FOR THE TRIBUNAL OFFICE

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