



EMPLOYMENT TRIBUNALS

Claimant: Mr Illingworth

First Respondent: The Co-operative Group Limited

Second Respondent: Sion Legg

Third Respondent: Blue Arrow Ltd

JUDGMENT

The claim is dismissed under rule 47. The claimant failed to attend the hearing on 12 July 2021

REASONS

1. The case was listed for a preliminary hearing on 12 July 2021 before Employment Judge Broughton.
2. There had been previous preliminary hearing before Employment Judge Britton on 12 February 2021. The representatives of the R1 and R2 attended. Employment Judge Britton made an order for the claim to be re-served on R3. The Claimant failed to attend that hearing.
3. Employment Judge Britton made an Order that unless the Claimant provide an explanation for his non-attendance, his claim would be struck out in its entirety for want of prosecution and failing to comply with Orders of the Tribunal.
4. On the 19 February 2021 the Claimant sent an email to the Tribunal stating; *“I was unaware of the telephone hearing otherwise I would have responded; I will make sure I keep my eye on the emails from now on”*.
5. The claim was not struck out. It was relisted for another telephone case management hearing on 12 July 2021.

Today’s hearing

6. Representative's attended today's hearing on behalf of the Respondent's. The Respondent's had jointly prepared and served on the Tribunal for today's hearing; a bundle of documents, a list of issues and an agenda.
7. No documents were received by the Tribunal from the Claimant.
8. The Claimant did **not** attend this hearing.
9. The Claimant had **not** sent in any explanation for his failure to attend or any request for an adjournment of the hearing.
10. No progress could be made without the Claimant's attendance and therefore this was another wasted hearing.
11. The Tribunal Secretariat confirmed that the notice of today's hearing had been sent to the Claimant's correct email address and the one he had used to email the Tribunal on the 19 February 2021. Attempts were made by the Tribunal staff to contact the Claimant during the course of today's hearing while I waited with the Respondent's representatives for the Claimant to join, however attempts to contact him were unsuccessful, calls were not answered but went to his voicemail. After 30 minutes following attempts to contact the Claimant, the hearing was terminated.
12. The Respondent's representatives informed me that the Claimant had failed to provide a schedule of loss in accordance with either the original Notice of Claim dated 24 November 2020 which ordered that a schedule of loss be provided by 5 January 2021 or in compliance with the second Notice of Claim (issued after the re-serve on the R3 and after the first aborted preliminary hearing) which required a schedule of loss to be served by 20 April 2021.
13. The Claimant I was also informed, has also failed to exchange documents by list in accordance with the Notice of Claim of the 9 March 2020, which required production by list on 15 June 2021. The Respondents have provided the Claimant with their list but he had not responded to their attempts to contact him.
14. I find that the Claimant has not complied with Orders of the Tribunal in terms of directions for the preparation of the case for the hearing as listed or to attend today's hearing. The Claimant is not actively pursuing his claims. After making all practicable enquiries about the reason for the Claimant's failure to attend this second hearing, I have dismissed the claim under rule 47.

Employment Judge Rachel Broughton

Date: 12 July 2021

JUDGMENT SENT TO THE PARTIES ON

16 July 2021

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For the Tribunal Office:

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Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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