



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr W Khan

v

London Borough of Barnet

Heard at: Watford

On: 22 January 2018

Before: Employment Judge Henry

RECONSIDERATION OF JUDGMENT

1. The tribunal of its own initiative has reconsidered the judgment of strike out, sent to the parties on 28 July 2017 and confirms its judgment.

REASONS

1. The claimant has submitted grounds of appeal to the EAT that in respect of the strike out warning sent to the him on 8 April 2017, he had requested a hearing by correspondence of 3 April 2017 and 15 May 2017, for which the tribunal has been invited by the EAT to reconsider the judgment.
2. The strike out warning was issued on the claimant having failed to attend a preliminary hearing on 3 April 2017, at which the respondent made an application for strike out, on grounds of the claimant not actively pursuing his claim. The claimant communicated with the tribunal on the morning of the hearing accounting for his absence due to illness.
3. On 8 April 2017, the claimant was sent a strike out warning, to make representations or to request a hearing by 24 April 2017. The claimant was also of the same date, was sent correspondence in reply to his correspondence of 3 April 2017, requesting him to provide details of how his illness affected him so as to prevent his attending the tribunal on 3 April, further asking for relevant medical evidence.
4. The claimant has not responded to either correspondence of 8 April 2017, but instead, sent correspondence on 15 May 2017, stating, "I did ask if it is possible to reschedule the tribunal case as I was unable to attend due to

illness. I didn't understand this last e-mail I was sent by Watford tribunal, how can I reschedule this case? Apologies for any misunderstanding."

5. The correspondence neither furnished any medical evidence or otherwise gave an account as to how his illness prevented him from attending the tribunal as scheduled on 3 April 2017. It equally did not ask for a hearing, for him to make representations against strike out, but merely asked for the 3 April 2017 preliminary hearing to be rescheduled.
6. The claimant has not engaged with the tribunal as requested, to either make representations against strike out or to ask for a hearing as to why the claim should not be struck out.
7. For the reasons above stated, there is no reasonable prospect of the original decision being varied or revoked.

Employment Judge Henry

Date: 9 February 2018

Sent to the parties on: 9 February 2018

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For the Tribunal Office