



EMPLOYMENT TRIBUNALS

Claimant: Mr Z Harper

Respondent: Salford Primary Care Together

Heard at: Manchester

On: 25 January 2019

Before: Employment Judge Whittaker

REPRESENTATION:

Claimant: No appearance

Respondent: Miss C Elvin, Litigation Consultant

JUDGMENT

The judgment of the Tribunal is that the claims of the claimant are struck out.

REASONS

1. The claimant submitted his Claim Form to the Employment Tribunal on 10 August 2018. He suggested that he had a number of claims but failed to provide any of the necessary particulars to substantiate those claims or to enable the Tribunal or the respondent to adequately understand the basis upon which those claims were being brought.
2. By a letter dated 4 September 2018 the Regional Employment Judge wrote to the claimant by letter to the correct address and postcode which the claimant had included on his Claim Form, requiring him to provide “full written particulars of his claim by reference to the statutory provisions he relies upon, in particular to give the Tribunal jurisdiction to deal with an unfair dismissal”. The claimant was required to provide that information not only to the respondent but also to the Tribunal by 18 September 2018. The claimant never replied to that letter and never provided any of the particulars which were understandably requested of him.
3. By email, sent correctly to the email address which the claimant had included on his claim form, the claimant was advised on 24 September 2018 that he had failed to provide the particulars which had been requested of him and he was now required

to “write to the Tribunal” by no later than 1 October 2018 with the particulars which had been requested. The claimant never replied to that email and neither did he provide any of the particulars which had been reasonably requested of him.

4. The respondent understandably wrote to the Tribunal asking for the claims of the claimant to be struck out on the basis that the claimant had failed on two separate occasions to provide particulars which had been reasonably requested of him. The claimant was told in an email on 24 October 2018, sent correctly to the email address of the claimant, that the strike out application would be dealt with on 26 October 2018, which was the date set for a preliminary hearing.

5. The hearing on 26 October 2018 was adjourned due to lack of resources at the Employment Tribunal, and the claimant was advised of this by email. It is reasonable for the Tribunal to conclude that the claimant received that email as there is no record of the claimant having appeared at the Tribunal on 26 October 2018.

6. By email dated 30 October 2018, again sent to the correct email address of the claimant, the claimant was told that the preliminary hearing had now been re-listed for hearing on 25 January 2019 at the Manchester Employment Tribunal at 10.00am. The claimant failed to attend. In advance of the hearing the respondent’s representatives wrote to the claimant by email providing an agenda and List of Issues to be discussed at the preliminary hearing. The claimant replied from the same email address to which the Tribunal had been corresponding with the claimant to say that he was allegedly unaware of the date of hearing of 26 October 2018 and that he was going to have to request a new date because he could not make the hearing of 25 January 2019 and was unprepared for it.

7. The Tribunal, however, received no request for a postponement or adjournment from the claimant, and the case proceeded in his absence. The Tribunal also noted that on 24 October 2018 the claimant had been told that the strike out application was actually going to be dealt with on 26 October 2018 and the claimant therefore ought to have been fully prepared to answer and address that issue by 26 October 2019. The preliminary hearing to take place on 25 January 2019 was some three months later.

8. The claimant was employed for less than the necessary two years which would have been required if the claimant were to bring a claim of unfair dismissal, unless the claimant was to be able to rely upon any of the exemptions to that two year limit. The claimant provided no such particulars whatsoever.

9. On that basis the Tribunal concluded that on the basis of the information which was available to it on 25 January 2019 that the claims of the claimant had no reasonable prospects of success and that it was just and equitable for the claims to be struck out. The Tribunal took into account the fact that the claimant had had a number of months in which to provide the appropriate information and that the claimant had been ordered to provide it by the Regional Employment Judge on no fewer than two occasions. Both requests had been completely ignored by the claimant.

10. The claimant had therefore, in the opinion of the Tribunal, failed to properly pursue his claim and had failed to take proper and reasonable steps to provide information which was obviously necessary in order for the Tribunal to be able to properly conduct the preliminary hearing on 25 January 2019. The Tribunal equally

concluded that it was just and equitable for the claims of the claimant to be struck out on the basis of his failure to comply with no fewer than two Orders of the Regional Employment Judge. Furthermore, the Tribunal noted that the information which had been requested in each of those two Orders was still missing on 25 January 2019, even though the claimant had been directed to forward the necessary information not only to the respondent but also to the Tribunal on each of the two occasions.

11. The claims of the claimant therefore were struck out.

Employment Judge Whittaker

Date_____28th January 2019_____

JUDGMENT AND REASONS SENT TO THE PARTIES ON

1 February 2019

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