



EMPLOYMENT TRIBUNALS

Claimant: Mr G Taylor

Respondent: EDF Energy

Heard at: Exeter **On:** 25 January 2019

Before: Employment Judge Maxwell

Representation

Claimant: no appearance

Respondent: Mr Graham, Counsel

JUDGMENT

1. The claimant's claims are dismissed under rule 47.

REASONS

2. By a claim form presented on 28 September 2018, the claimant brought claims against the respondent of:
 - 2.1. unfair dismissal;
 - 2.2. disability discrimination.
3. On 4 October 2018, notice of a preliminary hearing was sent to the parties:
 - 3.1. to be heard at 2nd Floor, Keeble House, Southernhay Gardens, Exeter, EX1 1NT, on Friday, 25 January 2019;
 - 3.2. to determine whether the claim should be dismissed because the claimant is not entitled to bring it if the statutory time limit has expired.
4. The claimant did not attend the hearing today and nor did he contact the Tribunal (by telephone, email or letter) to say that he would not attend or offer any explanation for his absence. This morning, the Tribunal administration attempted, without any success, to contact the claimant by telephone and email, using the number and address in his claim form.

5. Shortly after 1pm, the respondent applied for the claimant's claims to be dismissed under rule 47 of schedule 1 to the **Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013**:

If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.

6. Pursuant to rule 47 and in the interests of justice, I have decided to dismiss the claim for the following reasons:

- 6.1. proper notice of the hearing was sent to the claimant;
- 6.2. the claimant did not apply for an adjournment;
- 6.3. the claimant failed to attend the hearing;
- 6.4. the claimant failed to provide any reason for his non-attendance;
- 6.5. given the claimant's claims were presented outwith the period specified by section 111(2)(a) of the **Employment Rights Act 1996**, he had the burden of proving that it was not reasonably practicable for him to have presented his claim in time and that it was presented within a further reasonable period, which burden could not be satisfied in the absence of evidence from him;
- 6.6. whilst the claimant did not have a formal burden under section 123 of the **Equality Act 2010**, his explanation for the delay and representations generally would be an important part of the Tribunal considering the just and equitable discretion.

Employment Judge Maxwell
Date: 25 January 2019