



EMPLOYMENT TRIBUNALS

Claimant: Mr A Braithwaite

Respondent: Havencare Management Limited

HELD AT: Manchester

ON: 15th May 2019

BEFORE: Employment Judge Howard

REPRESENTATION:

Claimant: Not in attendance

Respondent: Ms H Strawbridge, solicitor

Judgment

The claimant's claim of unfair constructive dismissal is struck out.

Reasons

1. In his claim form, the claimant alleged constructive unfair dismissal.
2. The matter was listed for a preliminary hearing on 15th May 2019 in the Manchester Employment Tribunal at 2.15pm.
3. The claimant had not attended by 2.30pm and had made no contact with the Tribunal explaining his absence. I proceeded with the preliminary hearing in his absence.
4. I was satisfied on checking the case file that the notice of hearing was sent to the claimant's address and Ms Strawbridge explained that she had been in communication with the claimant about the case management agenda for this hearing last week.
5. I am satisfied that the claimant was aware of the time, date and location of today's hearing.
6. As Ms Strawbridge explained, and as was stated on the respondent's case management agenda, she intended to apply to strike out the claim form because it had no reasonable prospect of success. The claimant was aware of this intended application because he had received the respondent's agenda and had communication with Ms Strawbridge about it.

7. I heard Ms Strawbridge's application to strike out and took the contents of the claim form into account. The claim form did not identify or specify any breach of a contractual term at all and certainly not of a fundamental kind such as to entitle the claimant to rely upon the breach in bringing his employment to an end.
8. I found that the claimant had no reasonable prospect of succeeding with his claim and that, by his non-attendance today, he was not actively pursuing his claim and for both those reasons; jointly and individually, I decided to strike out his claim.

Employment Judge Howard
Date 15th May 2019

JUDGMENT SENT TO THE PARTIES ON

28 May 2019

FOR THE TRIBUNAL OFFICE

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