



EMPLOYMENT TRIBUNALS

BETWEEN:

Claimant

And

Respondent

Mr D J Lacey

Vape Domain Limited

Held at:

Nottingham

On: 3 October 2019

Before:

Employment Judge R Clark

REPRESENTATION

For the Claimant:

Did not attend and was not represented.

For the Respondent:

Ms S Murphy, Solicitor

JUDGMENT

The claimant's claims are struck out on the ground that they have not been actively pursued.

REASONS

1. It was not possible to attempt to make contact with the claimant as he has not provided his personal contact details on his claim form.
2. The recent history of the claim shows orders were made at a lengthy preliminary hearing concluding on 13 June 2019. The claimant attended with his then lay representative, Mr Kennady.
3. The claimant did not comply with the order to provide further and better particulars of his claims by 18 July 2019. By email dated 2 August 2019, copied to the claimant's representative, the respondent applied for the claimant's claims to be struck out. An Employment Judge listed the application for today, at what was originally the preliminary hearing to determine disability status.

4. The case management orders also required the claimant to disclose his medical records and an impact statement relevant to his disability claims by 20 August 2019. He failed to do so. He was also ordered to provide a schedule of loss by 24 September 2019. He failed to do so. The respondent tells me it has been attempting to communicate with the claimant on other occasions without any reply.
5. On 25 September 2019, the tribunal wrote to the parties giving notice that the strike out application would be heard today.
6. Yesterday, at around 4:25pm, a clerk telephoned the parties to inform them the hearing venue had changed. In that call, Mr Kennady informed the clerk that he was no longer representing the claimant.
7. The respondent attended and the matter called on at approximately 10:10. Having considered the information available to me, the history of the claim and the overriding objective, I determined that it was appropriate to strike out the claimant's claims on the ground that they have not been actively pursued. In reaching that decision I had regard to the potential difficulties Mr Lacey and Mr Kennady have with written communication. Adjustments have been made, in particular, accepting telephone notice where the rules require written notice. There seems to be no apparent reason why telephone contact could not have been made if there were any genuine difficulties with complying with the tribunal's orders. On balance, this claim is not being actively pursued and the interests of justice require that it is brought to an end.

.....
Employment Judge Clark
Date: 3/10/2019.....

JUDGMENT SENT TO THE PARTIES ON

.....

AND ENTERED IN THE REGISTER

.....

FOR SECRETARY OF THE TRIBUNALS