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EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr B Kellett

v

Glendale Grounds Management Ltd

JUDGMENT

The claimant's claims (other than his claim of unfair dismissal, which was struck out on 3 December 2019) are dismissed.

REASONS

- 1 The claimant's claim of unfair dismissal was struck out because the claimant had insufficient continuous employment to make that claim.
- 2 The claimant's remaining claims were due to be heard on 28 April 2020. That hearing was, however, on 12 April 2020, as a result of the Covid-19 pandemic and the practical and legal difficulties arising from holding a hearing in public, converted by the Acting Regional Employment Judge to a case management preliminary hearing by telephone.
- 3 The claimant failed to attend the hearing of 28 April 2020: he had not responded to an attempt by the tribunal staff on 27 April 2020 by email to confirm his attendance at the hearing of the following day and to confirm his contact telephone number. That email was sent to the email address which the claimant had given in the claim form and via which he had subsequently (as described below) communicated with the tribunal. I invited the claimant to join the telephone hearing by calling (via the BT Conferencing telephone service for the public sector) the mobile telephone number given on the claim form, but he did not answer the call and therefore accept the invitation.
- 4 The claimant had taken no further steps in pursuit of his claim after first (on 13 May 2019) presenting the claim and then, on 8 August 2019, sending documents by email to the tribunal. The claimant had on 12 August 2019 been asked by a member of the tribunal's staff to send the documents in hard copy instead, but he had since then taken no further steps in pursuit of his claim.

- 5 The respondent, on the other hand, had presented a detailed response to the claim and then, on 20 April 2020, had, via its solicitor, applied to the tribunal for an order striking out the claim in so far as it had not already been struck out. The respondent's solicitor had enclosed with the application a number of documents which the respondent contended showed that the claim was manifestly not well-founded. The solicitor had sent the claimant a copy of that strike-out application on 20 April 2020. The claimant had not responded to the application.
- 6 In the circumstances, in my judgment it was right to dismiss the claim under rule 47 of the Employment Tribunals Rules of Procedure 2013 because the claimant had failed (apparently without good reason) to attend or be represented at the hearing of 28 April 2020 and because it seemed clear to me that the claim was not being actively pursued.

Employment Judge Hyams

Date: 28 April 2020

JUDGMENT SENT TO THE PARTIES ON 08/06/2020

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Jon Marlowe

FOR THE TRIBUNAL OFFICE