



THE EMPLOYMENT TRIBUNALS

Claimant **Mr P Morris**

Respondent **One Housing Group Limited**

HELD AT: **London Central**

EMPLOYMENT JUDGE: **Mr J Tayler**

JUDGMENT

The Judgment of the Tribunal is that the claim is struck out.

REASONS

1. The Claimant failed to attend a Preliminary Hearing for Case Management fixed on 19 February 2020. I made an order in the following terms.

“I am considering striking out the claim. If the Claimant is seeking to pursue the claim he must within 14 days of the date of this Order write to the Employment Tribunal and the Respondent stating:

1. The details of the bereavement he has suffered and the date on which he travelled to Holland, with supporting evidence
2. Why he did not contact the Employment Tribunal and the Respondent to seek a postponement of this Preliminary Hearing for Case Management so as to avoid the wasted costs
3. That he is seeking to pursue the claim
4. The precise Islamophobic comment he alleges his colleague made in December 2018

If the Claimant is pursuing the claim a further Preliminary Hearing for Case Management will be fixed to make orders to prepare the matter for hearing and to list a hearing.”

2. There was then a delay in dealing with the matter caused by administrative difficulties due to the challenges of working during the Coronavirus Pandemic.

3. It appears that on 29 February 2020, the Claimant sent an email to the Employment Tribunal that he failed to copy to the Respondent. In the email the Claimant wrote "With reference to your attached letter." and attached a document that showed that he travelled to Maastricht on 17 February 2020 and returned on 23 February 2020.

4. When I first saw the Claimant's response I understood that was the totality of the response. In fact there were further attachments that stated:

"1.1 On the 16/02/2020 I was informed that my godmother had died, I was asked to attend ASAP because her body was going to medical research without funeral. Please refer to my booking confirmation.

1.2 I have been signed off from work with stress from April 2019 as a result of this case. Following my doctors advice, I resigned from OHG on 16/01/2020. Travelling to Netherlands: I had less than 24 hours to arrange care for my younger children ages 4 & 7, pack and arrange to leave at a time when I was under considerable stress. My thoughts was with the deceased's and family and my focus was on getting to Netherlands to support them.

1.3 Due to my current health I will not pursue this claim. I have contact ACAS and will complete a COT3 ASAP

Please accept my apologies for not informing you of my non attendance

King regards

Philip Morris"

5. Unaware of this attachment I instructed that a letter be sent to the Claimant. It was sent on 9 July 2020. In the letter I stated

"The Claimant failed to provide the other information required be the Order. If the Claimant is seeking to pursue the claim he must respond to the remaining parts of the order and state:

1. The details of the bereavement he has suffered

2. Why he did not contact the Employment Tribunal and the Respondent to seek a postponement of this Preliminary Hearing for Case Management so as to avoid the wasted costs

3. That he is seeking to pursue the claim

4. The precise Islamophobic comment he alleges his colleague made in December 2018"

6. The Claimant was required to respond to the letter by 16th July 2020. He did not reply.

7. Although the Claimant had only failed to respond to one of the specific questions asked of him; i.e. to state “The precise Islamophobic comment he alleges his colleague made in December 2018”, I do consider it is appropriate to strike out the claim as:
- 7.1 In the Claimant’s letter of 29 February 2020 he stated “Due to my current health I will not pursue this claim.” Although it appears that the Claimant hoped to reach a COT3 settlement, but has not done so, he has not taken any steps to pursue the claim further.
- 7.2 The Claimant has not responded to the letter of 9 July 2020.
- 7.3 The Claimant has given no response setting out the precise Islamophobic comment he alleges his colleague made in December 2018.
- 7.4 In all the circumstances I strike out the claim as it has not been actively pursued.

Employment Judge Tayler

20 July 2020

Judgment and Reasons sent to the parties on:

21/07/2020.

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For the Tribunal Office