



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Paul  
**Respondent:** Royal Mail Group Limited  
**Heard at:** East London Hearing Centre (audio (A))  
**On:** Wednesday 29<sup>th</sup> July 2020  
**Before:** Employment Judge Reid

## **Representation**

Claimant: Did not attend  
Respondent: Mrs Cairney, Weightmans

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was audio (A). A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing. The documents before the Tribunal were the documents in the Tribunal file including the Respondent's application to strike out the Claimant's claims. The orders made are described below.

The Claimant did not attend today's telephone hearing. I delayed the start of the hearing by 10 minutes but he had not joined by 10.10 am. There was no application for a postponement or any explanation from the Claimant as to his non-attendance (the inbox was checked at 9.45am). He had not attended the last hearing on 19<sup>th</sup> May 2020. I therefore proceeded in his absence under Rule 47 of the Tribunal Rules 2013.

## JUDGMENT

**The Claimant's claims (for unfair dismissal, holiday pay and unpaid wages) are all struck out under Rule 37(1)(d) of the Tribunal Rules 2013 because the Claimant has not actively pursued his claims.**

## REASONS

- 1 The Respondent made an application to strike out the Claimant's claims under Rule 37(1) (c) and/or Rule 37(1) (d) Tribunal Rules 2013.

- 2 This was an application under Rule 37(1)(c) for a strike out for non-compliance with the Tribunal orders made on 19<sup>th</sup> May 2020 (to provide further information about his claims and to provide a witness statement and documents on the time limit issues). Alternatively, the Respondent's application was made under Rule 37(1)(d) for failure by the Claimant to actively pursue his claims.
- 3 The Tribunal letter dated 9<sup>th</sup> July 2020 also advised the Claimant of a possible strike out for failure to actively pursue his claims, asking him to provide reasons why his claims should not be struck out or for reasons to be considered at a hearing.
- 4 There has been no response from the Claimant to the Tribunal letter dated 9<sup>th</sup> July 2020.
- 5 According to the Respondent's solicitor today, the Claimant, since he brought his claim, has not replied to any correspondence from the Respondent's solicitors.
- 6 The Claimant has not complied with the Tribunal orders made on 19<sup>th</sup> May 2020.
- 7 There is no correspondence or contact from the Claimant at any stage in the Tribunal file after he presented his claim on 9<sup>th</sup> January 2020.
- 8 The Claimant did not attend the telephone preliminary hearing on 19<sup>th</sup> May 2020 or today's hearing.
- 9 There are no other indications that he pursues any or all of the claims contained in his claim form (unfair dismissal, holiday pay and unpaid wages).
- 10 I applied the the guidance in *Evans v Commissioner of Police 1993 ICR 151* and *Rolls Royce v Riddle 2008 IRLR 873* as follows.
- 11 I find his lack of pursuit of his claims is intentional as there have been several opportunities for him to show he is pursuing them by responding to the Respondent's solicitors or to the Tribunal or by complying with the orders made by the Tribunal.
- 12 The Claimant has given no reason to explain any delay/failure in complying with the Tribunal orders.
- 13 The Claimant has still not provided the further information about his claims for unpaid wages and for holiday pay and a witness statement and documents on the time limit issues; there is a substantial risk of fair hearing not being possible taking into account the matters he complains of are by now a year old and he still has not dealt with these matters.

- 14 Although it is a draconian step the Claimant's inaction is intentional and shows a disrespect for Tribunal procedures.
- 15 The Claimants' claims are therefore struck out under Rule 37(1) (d) of the Tribunal Rules 2013 on the basis they have not been actively pursued.
- 16 I gave the above reasons orally at the hearing but am providing written reasons because the Claimant did not attend, to enable him to see why his claims have all been struck out.

**Employment Judge Reid**  
**Date: 29 July 2020**