



EMPLOYMENT TRIBUNALS

Claimant: Mr I Gabbidon

Respondent: Regency Homes Limited

JUDGMENT

The claimant's application dated **9 September 2020** for reconsideration of the judgment sent to the parties on **28 August 2020** is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked for the following reasons.
2. The claims were dismissed for two reasons: that the Claimant had failed actively to pursue his case and/or that the Claimant had failed to comply with Tribunal orders.
3. The first ground was based on our findings that the Claimant had done nothing to pursue his claims since completing the claim form and providing further information on 17 June. He had not prepared for or attended the CVP hearing on 20 August. We found that the Claimant had not given the Tribunal sufficient grounds for his stated reason for non-attending: in particular when asked by the Tribunal what the 'medical emergency' was, he did not explain or describe it and provided evidence that did not support that he was experiencing an emergency.
4. The Claimant's application for a reconsideration has three grounds. I shall deal with each in turn.
5. First, he states again that he was unable to attend the hearing 'due to a medical emergency'. He again does not inform the Tribunal of what this was despite being asked on the day in question and despite the Tribunal referring to his failure to do so as one of its reasons for dismissal. He has not provided any further explanation in his application for reconsideration. This takes the matter no further and there are therefore no grounds for interfering with the Tribunal's reasoning on that issue.

6. Second, he states that the Covid-19 outbreak made it difficult for him to get legal advice. This may be so, but does not excuse not attending the Tribunal for hearing. The Tribunals very often hear cases brought by litigants on their own behalf and the overriding objective is designed to put the parties on an equal footing. This factor would not have been sufficient to outweigh the grounds the Tribunal relied upon to dismiss the case.
7. Third, the Claimant states that he wrote to the Tribunal beforehand to ask if the hearing could be moved. Upon checking the Tribunal file, there is no record of him having made this request. It would have had to have been also sent to the Respondent (to comply with the Tribunal Rules). The Respondent's representative gave the Tribunal comprehensive details of the contact they had had with him, which did not include such a request. This ground therefore would not have succeeded.

Employment Judge Moor
Date: 20 October 2020