



EMPLOYMENT TRIBUNALS

Claimant

Mr L O'Connell

v

Respondent

John Lewis plc

Heard at: London Central by CVP

On: 8 December 2020

Before: Employment Judge A James

Representation

For the Claimant: Did not participate and was not represented

For the Respondent: Ms A Meredith, counsel

JUDGMENT

Following the hearing of submissions from counsel for the respondent, consideration of the bundle of documents of 55 pages, prepared by the respondent's solicitors Burges Salmon, and the claimant having failed to participate in the hearing, the decision of the tribunal is as follows:

- (1) The name of the respondent is changed to John Lewis plc.
- (2) The claimant's claims are struck out because the claimant has failed to comply with any of the case management orders made by the tribunal on 27 July 2020 and/or the claim has not been actively pursued (Employment Tribunal Rules of Procedure 2013, Rule 37 (1) (c) and (d)).
- (3) The claimant must pay to the respondent (via their solicitors) the sum of £750 for counsel's fees for attending today's hearing within 28 days. The costs order is made on the basis that the claimant has conducted the proceedings unreasonably by failing to participate; by failing to withdraw his claim even though he indicated an intention to do so; and/or because he has failed to comply with case management orders ((Employment Tribunal Rules of Procedure 2013, Rule 76(1)(a) and (2)). [Note, VAT has not been allowed on counsel's fee note due to the

decision of the EAT in Raggett v John Lewis plc [2012] IRLR 906. The respondent can apply for a reconsideration of this decision if it considers that there are reasonable grounds to argue that the Raggett case does not apply.]

Employment Judge A James
London Central Region

Dated ...8 December 2020...

Sent to the parties on:

09/12/2020.

For the Tribunals Office

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant (s) and respondent(s) in a case.