



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr Callum Hamilton

v

Royal Mail Group Ltd

Heard at: Watford

On: 6 September 2021

Before: Employment Judge Alliott

Appearances

For the Claimant: Did not attend

For the Respondent: Mr R Chaudhry, Solicitor

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claim is struck out as it has not been actively pursued.

REASONS

1. The claimant was employed by the respondent as a postman from 13 March 2019 until he resigned in September 2019. By a claim form presented on 28 June 2019, following a period of early conciliation from 21 to 29 May 2019, the claimant brings complaints of race discrimination, harassment and a claim for unauthorised deduction of wages.
2. A telephone preliminary hearing was heard in front of Employment Judge Loy on 11 December 2020. Case management orders were made for further information by 15 January 2021, a statement of remedy/schedule of loss by 29 January 2021 and the case was listed for hearing starting today, 6 September 2021. The claimant attended in person and so has been aware of today's date since 11 December 2020.
3. The claimant failed to comply with the Order for further information and consequently the respondent requested an Unless Order on 28 January 2021. The claimant failed to comply with the Order for a statement of

remedy and consequently on 18 February 2021 the respondent applied for an Unless Order. Those requests do not appear in the file and it seems that they did not go before a judge.

4. On 3 March 2021 the record of the preliminary hearing was sent out to the parties under the signature of Regional Employment Judge Foxwell.
5. It would appear that either the applications for Unless Orders or receipt of the record of preliminary hearing (or both) prompted the claimant to serve the further information and schedule of loss on or around 7 April 2021.
6. On 28 August 2021 the hearing was cancelled and today's hearing was converted into a preliminary hearing in order to go through the claimant's claim and draft a list of issues.
7. At 10am today the claimant was not present. The claimant has been telephoned twice, there has been no answer and it has gone to voicemail. The claimant has been emailed at 10:19 requesting confirmation as to whether or not he would be in attendance. No response has been received.
8. Mr Chaudhry, on behalf of the respondent, informs me that the bundle for this hearing was sent to the claimant by email and post and that there has been no acknowledgement.
9. Consequently it appears that this case is not being actively pursued by the claimant and, pursuant to Rule 37(1)(d) of the ET's (Constitution & Rules of Procedure) Regulations 2013 it is struck out.
10. Pursuant to Rule 70 the claimant may apply for this judgment to be reconsidered. If the claimant makes such an application it must be made to the Tribunal in writing (with a copy sent to the respondent) within 14 days of the date on which this Judgment is sent to him. If the claimant applies for reconsideration he should submit at the same time a witness statement explaining precisely why it is that he was not in attendance today.

Employment Judge Alliott

Date: 16 September 2021

Sent to the parties on: 29/9/2021

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For the Tribunal Office