



EMPLOYMENT TRIBUNALS

Claimant
Mr J Gillett

and

Respondent
Govia Thameslink Railway Limited

JUDGMENT WITH REASONS

1. The Claimant lodged a claim on 13 February 2021, on the face of it just over four months out of time. He did not give any reason for the late submission. There were concerns that the claim contained references to privileged materials, some of which had been set out in detail in the claim. The Respondent defended the claim substantively.
2. A notice of hearing for a Preliminary Hearing (Case Management) (“PHCM”) to take place on 23 September 2021 was sent out on 22 June 2021 and invitations to join that hearing by Teams were sent out the day before the PHCM. The Claimant did not attend and did not send a representative. He provided no explanation for his absence and did not ask in advance for the PHCM to be postponed. In short, nothing had been heard by the Employment Tribunal from the Claimant following submission of his claim. The Respondent’s representative did attend the PHCM but indicated he also had not heard from the Claimant.
3. The PHCM could not progress in the absence of the Claimant because of the time and privilege points and because of certain other matters that needed to be dealt with, without which the complaints pursued were unclear. The PHCM was adjourned and a strike out warning sent to the Claimant the following day (24 September 2021). This gave the Claimant the opportunity to explain his absence from the PHCM, to confirm what complaints he was pursuing and to say whether he accepted the claim had been presented late and if so, why. He was given until 4pm on 8 October to respond.
4. The Claimant did not answer the questions by the deadline or at all. On the evening of 4 October, he emailed the Tribunal (without copying in the Respondent) to say that he had just found the invitation to the PHCM in his junk email and requesting it to be rescheduled. The invitation had expressly

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stated that there was to be no other correspondence to the email account from which it was sent and that the parties was to copy in the other side to any communications with the Tribunal. The Claimant had sent the email to the Central London main inbox as well and hence it was dealt with. However, nothing further was received from him.

5. In the circumstances, the claim is struck out on the basis that it is not being actively pursued by the Claimant, under Rule 37 (Schedule 1, Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013). The preliminary hearing (PH) listed for one day on 19 January 2022 is vacated (cancelled). The remainder of the dates for which the full Hearing had been provisionally listed (20-25 January) had already been vacated following the PHCM.

Employment Judge Norris
Date: 22 October 2021
JUDGMENT SENT TO THE PARTIES ON

25/10/2021

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FOR THE TRIBUNAL OFFICE