



EMPLOYMENT TRIBUNALS

Claimant

Mr D Harris

v

Respondent

DPD Group UK Limited

Heard at: Watford, via CVP

On: 14 January 2022

Before: Employment Judge Hyams, sitting alone

Appearances:

For the claimant: Not present or represented

For the respondent: Mr Paul Bownes, solicitor

JUDGMENT

The claimant's claims (which are of (1) unfair dismissal within the meaning of section 98 of the Employment Rights Act 1996 and (2) discrimination contrary to section 39 of the Equality Act 2010) are dismissed.

REASONS

- 1 The hearing of 14 January 2022 was a resumed hearing. The first hearing, which I conducted and which occurred on 6 October 2021, was a preliminary hearing held in private. At that hearing, the claimant was represented by a solicitor, Ms A Dethick. The respondent was represented by Mr Bownes.
- 2 After the hearing of 6 October 2021, I wrote a detailed case management summary explaining why the claimant's claims needed to be particularised, i.e. why they needed to be the subject of further information, and among other things ordered the claimant to provide that further information by 17 November 2021. The content of that case management summary and the orders which I planned to make were the subject of careful discussion with the parties on 6 October 2021. The case management summary of, and the orders made after, the hearing of 6 October 2021 were sent by the tribunal to the parties on 18 October 2021.
- 3 The claimant did nothing in response to the order requiring him to provide further information: he did not provide any further information at all, and he gave no reason for his failure to provide any further information.

- 4 On 15 December 2021, the respondent applied to strike out the claims for the failure to comply with the order for the provision by the claimant by 17 November 2021 of further information. On 4 January 2022, I directed that that application should be heard at the resumed hearing of 14 January 2022, and that resumed hearing was changed to a public hearing, held via Cloud Video Platform (“CVP”).
- 5 I commenced that resumed hearing (now held in public via CVP) at 10:01 on 14 January 2022, having seen at 09:55 that the claimant was not present and having waited until just after 10:00 to see whether the claimant attended slightly late. The claimant had still not joined the hearing. He had given no reason for his non-attendance. In fact, he had not communicated at all with either the respondent or the tribunal since the hearing of 6 October 2021.
- 6 I adjourned the hearing for half an hour to see whether the claimant would attend or inform the tribunal why he had not attended the hearing, but during that half an hour I left the hearing room open and watched it online to see whether the claimant joined the hearing online. He did not do so and he had not done so by 10:30 am.
- 7 In the circumstances, rule 47 of the Employment Tribunals Rules of Procedure 2013 (“the 2013 Rules”) applied. That provides:

“If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party’s absence.”
- 8 I concluded that the claimant was not pressing his claim, and that in the circumstances to which I refer above it was appropriate to dismiss his claims.

Employment Judge Hyams
Date: 14 January 2022

Sent to the parties on:

19 January 2022

For the Tribunal office