



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4112596/2018

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Held in Glasgow on 27 September 2018

Employment Judge: Robert Gall

10 **Mr A Letham**

Claimant

**No appearance and
Not represented**

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XPO Logistics Ltd

Respondent

**No appearance and
Not represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Tribunal is that the Hearing set down for 27 September 2018
25 is postponed, having regard to the overriding objective in terms of the Employment Tribunals (Constitution & Rules of Procedure) (Regulations) 2013. The case is sisted for two weeks pending clarification from the parties of settlement or of the need to set down a further Hearing.

REASONS

30 1. This case is one of unfair dismissal. The claim has not been disputed by the respondents. No Form ET3 was lodged.

2. A Rule 21 Judgment was issued confirming that the claim succeeded. That Judgment was dated 28 August 2018 and issued to parties on 3 September
35 2018.

E.T. Z4 (WR)

3. A Hearing to determine remedy was set down for 27 September 2018 at 2pm. Notification of that Hearing was given to the parties. The notification went to the claimant's representative as detailed in the claim form, Mr Rankin of GMB. There has been no change to that representative intimated to the Tribunal.

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4. At 2pm, there was no appearance by the claimant and no representation on his behalf. There was no appearance by or on behalf of the respondents although, with no Form ET3 having been submitted, it might be anticipated that there would be no appearance.

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5. There remained no appearance or representation on behalf of the claimant at 2.10pm. The clerk was therefore requested to telephone the numbers on file for the representative of the claimant and for the claimant himself. This was with a view to establishing whether someone was on the way to Tribunal or whether there was some other basis on which there was no appearance or representation.

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6. There was no reply from the phone number provided by Mr Rankin. When the claimant was contacted, he indicated that Mr McLaughlin of Unionline was now his solicitor and that he understood that settlement had been agreed. The clerk to the Tribunal telephoned Mr McLaughlin, in those circumstances. Mr McLaughlin said that his files did not have the case number which was quoted to him as being a case involving Mr Letham. He had a different case number for Mr Letham. That case had settled although payment had not quite been received.

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7. It transpires that Mr Letham, the claimant in this case, is Mr Letham senior. His son, also A Letham of the same address, also has a current claim against these same respondents with the Employment Tribunal. Mr McLaughlin is acting on record in the claim brought by Mr Letham Junior.

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8. Given the somewhat confused position, particularly in light of the suggestion that the case number which Mr McLaughlin had and which led him to provide

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the status as set out in this note, it seemed to me to be appropriate to postpone the Hearing and to sist the case for two weeks.

9. I direct that the claimant in this case (Mr Letham Senior) or his representative confirm the present position in relation to this case and whether it may be dismissed, having been settled or whether it is appropriate to set down a further Hearing in the case. If Mr McLaughlin is to be party replying, he should confirm that he has now been instructed so that his details may be entered on the Tribunal records.

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15 **Employment Judge:** R Gall
Date of Judgment: 28 September 2018
Entered in register: 12 October 2018
and copied to parties