



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr N Whiteside

**Respondent:** Openreach Limited

**Heard at:** Manchester (remotely, by telephone)

**On:** 4 May 2022

**Before:** Employment Judge K M Ross

## JUDGMENT

The claimant's claims for unfair dismissal, disability discrimination and sex discrimination are struck out.

## REASONS

1. The claimant was invited to attend a case management hearing on 7 March 2022. The claimant did not attend. The hearing was before Employment Judge Aspinall. Employment Judge Aspinall issued a Case Management Order informing the claimant that his complaints needed to be clarified. She stated:

“He must come to the next hearing ready to explain why he says he can bring a complaint of unfair dismissal if, as the respondent says, he has been reinstated. He must also be ready to explain the disability or disabilities he relies on, and each act of discrimination he alleges. He must be ready to explain how he says he has been discriminated against because of his sex.”

2. Employment Judge Aspinall specifically stated:

“I issued a strike out warning so that the claimant can be warned that if he does not actively pursue his complaints, he is at risk of them being struck out.”

3. The claimant failed to attend a case management hearing listed on 4 May 2022 at 2.15pm. The claimant did not make an application for postponement.

4. Having failed to attend two case management hearings without explanation the Tribunal considers the claimant is not actively pursuing his claim.
5. The claimant's claims are therefore struck out.
6. The hearing fixed for 30 May, 31 May and 1 June 2023 will not take place.

26 July 2022  
Employment Judge K M Ross

JUDGMENT AND REASONS  
SENT TO THE PARTIES ON  
26 July 2022

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FOR THE TRIBUNAL OFFICE