



EMPLOYMENT TRIBUNALS

Claimant: Mr D Kiernan

Respondent: Asda Stores Ltd

PRELIMINARY HEARING

Heard at: Manchester (public hearing by video conference)

On: 16 August 2022

Before: Judge Brian Doyle

Appearances

For the claimant: Mr Steven Garsden, friend

For the respondent: Mr Francis Morton, Counsel

JUDGMENT

1. The claim stands as dismissed without further order under rule 38(1) of the Employment Tribunals Rules of Procedure 2013 because the claimant did not comply by the specified date of 3 May 2022 with the unless order made on 11 April 2022 (sent to the parties on 19 April 2022).

2. This judgment shall be treated as the written notice to the parties confirming what has occurred as required by rule 38(1).

3. The Tribunal did not have before it a written application under rule 38(2) to have the unless order set aside but, on the basis of an oral application for relief from sanctions made at this hearing, the Tribunal did not consider that it was in the interests of justice to set the order aside or to reinstate the claim.

Judge Brian Doyle
Date: 16 August 2022

Sent to the parties on:

24 August 2022

For the Tribunal Office:

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.