



EMPLOYMENT TRIBUNALS

Claimant: Mr C Coxswain

Respondent: Otium Services and Facilities Ltd

Heard at: Bristol **On:** Tuesday 13 September 2022

Before: Employment Judge Matthews

Representation:

Claimant: Did not attend and was not represented

Respondent: Ms B Ruffley – Human Resources

JUDGMENT (including Reasons)

1. Mr Coxswain’s complaint of unfair dismissal by reference to section 94 of the Employment Rights Act 1996 (the “ERA”) is dismissed.

On 26 January 2022 the Bristol office of the employment tribunals wrote to Mr Coxswain warning him that he did not appear to have the two years’ service required by section 108 of the ERA which would entitle him to bring a complaint of unfair dismissal. Mr Coxswain was given until 2 February 2022 to give reasons why that claim should not be struck out. No such reasons have been given and the complaint is accordingly struck out.

2. Mr Coxswain failed to attend or be represented at a telephone case management preliminary hearing set down for 1400 on 13 September 2022. The Employment Judge considered the information available to him. The Bristol office of the employment tribunals telephoned Mr Coxswain. Mr Coxswain said that he had not received the notice of the hearing and, when invited to join it, said that he could not speak to the Employment Judge that day and asked that it be relisted.

3. Mr Coxswain is ordered to send to the Bristol office of the employment tribunals (copy to the Respondent) a written explanation of his failure to attend the hearing on 13 September 2022 confirming whether or not he wishes to pursue his claims. If such a communication is received on or before **31 October**

2022 it shall be referred to an Employment Judge for consideration. If Mr Coxswain does not wish to pursue his claims or if no such communication is received on or before **31 October 2022**, Mr Coxswain's claims for pay and of discrimination because of his race or religion or belief (being, for the avoidance of doubt, the only claims remaining before the Tribunal) **shall stand dismissed without further order**.

Employment Judge Matthews
Date: 15 September 2022

Judgment & Reasons sent to the parties: 16 September 2022

FOR THE TRIBUNAL OFFICE