



## EMPLOYMENT TRIBUNALS

Claimant

Respondent

**Miss A Woodhouse**

-v-

**Energile Ltd**

### PRELIMINARY HEARING

(CONDUCTED IN PRIVATE BY TELEPHONE/ THE CLOUD VIDEO PLATFORM  
(AUDIO ONLY))

Heard at: **Birmingham**

On: **22 September 2022**

Before: **Employment Judge Perry**

#### Appearances

For the Claimant: **No attendance**

For the Respondents: **Mr M Gallagher (consultant)**

### JUDGMENT

The claimant's remaining claims of disability discrimination, arrears of pay and other payments are struck out.

### REASONS

1. This claim was presented on 9 December 2021 following early conciliation between 3 and 9 December 2021.
2. Following the dismissal of an unfair dismissal complaint on 26 January 2022 (on the basis the claimant did not have two years service to bring such a claim and had not provided an acceptable reason why the Tribunal had jurisdiction to do so) her remaining complaints comprise disability discrimination, arrears of pay and other payments.
3. No greater detail was given in the claim form of the claimant's disability other than her treatment being alleged to have been due to her mental health and her dismissal having followed a period of disability related absence.
4. By an in-time response lodged on 13 January 2022 the respondent defended the claim and denied she was a person with a disability.
5. That being so on 26 January Legal Officer Metcalfe reviewed the claim and response and ordered that by 9 March 2022 the claimant should serve on the respondent: (a) copies of any medical notes, reports and other evidence on which the claimant relies for the purpose of the disability issue; and (b) a witness statement(s) dealing with the effect of the alleged disability on the ability of the claimant to carry out normal day to day activities at the relevant time.
6. This case management hearing was listed on 9 August 2022. I am satisfied a notice of hearing it was sent to the postal addresses given by the parties in their claim and response forms respectively. A further notice giving log in/on details for the hearing was sent last evening to the email addresses given on the claim and response forms respectively.
7. The claimant did not attend or attempt to login to the telephone hearing at the prescribed time, 11:30. Rule 47 provides I can proceed in a number of ways where a party does not attend a hearing one of



which is that I may dismiss a claim. Before doing so I must consider any information available to me having made such enquiries as are practicable.

8. I therefore asked my clerk to attempt to contact the claimant using the telephone number given on her claim to the tribunal. Despite several attempts that was unsuccessful, the call having disconnected each time as soon as the number was dialled.
9. Mr Gallagher informs me that he has received no contact of any nature from the claimant in relation to these proceedings and specifically that the claimant had failed to supply the information ordered by Legal Officer Metcalfe. Mr Gallagher thus sought that I strike out the claim pursuant to rule 37(1)(c) and (d) namely non-compliance with tribunal orders and that the claim had not been actively pursued.
10. I am satisfied that a notice of hearing was sent to the claimant to the address that she gave at the commencement of this claim and therefore that she has received proper notice of this hearing.
11. Having made reasonable enquiries as to the basis for the claimant's non attendance I am not aware of any good reason to excuse that failure and further I am satisfied her failure to attend forms part of a wider failure to actively engage in the proceedings and a failure to comply with tribunal orders.
12. Those matters being so the claim shall be struck out pursuant to rule 37(1)(c) and (d).
13. In the alternative I am satisfied it should be dismissed pursuant to rule 47.

signed electronically by me

**Employment Judge Perry**

Dated: 22 September 2022