



EMPLOYMENT TRIBUNALS

Claimant: Mr S Evans
Respondent: Bishops Stortford Scaffolding Ltd (Dissolved)
Heard at: East London Hearing Centre
On: 17 October 2022
Before: Acting Regional Employment Judge Burgher

Appearances

For the Claimant: Did not attend
For the Respondent: Dissolved

RECONSIDERATION JUDGMENT

1 The Claimant's application for reconsideration of the strike out judgment sent on 23 May 2022 is refused.

2 The Claimant presented his complaint against the Respondent on 29 April 2021. A Companies House check showed that the Respondent company was dissolved on 23 March 2021. Consequently, by letter dated 19 May 2021 the Claimant was invited to get the Respondent restored to the register. The claim was stayed for 6 months for this to be done.

3 No communication was received from the Claimant demonstrating that he had applied to have the Respondent restored to the register and on 12 April 2022 the Claimant was issued with a strike out warning on the basis that his claim was not being actively pursued. He was given until 19 April 2022 to make representations.

4 The Claimant responded on 13 April 2022 and did not indicate that he had taken steps to get the Respondent company restored to the register. By letter dated 6 May 2022 the Claimant was informed that it appears that he was not proposing to restore the Respondent to the register.

5 A strike out judgment, on the grounds that the claim was not being actively pursued was sent to the Claimant on 23 May 2022.

6 The Claimant responded on 23 May 2022 indicating that he did not receive the Tribunal letter of 19 May 2022 but that he received the Tribunal letter of 12 April 2022.

7 By letter dated 22 June 2022 the Claimant was given a notice of reconsideration hearing. A reconsideration hearing was listed for 28 October 2022. However, a subsequent notice of hearing was sent on 28 July 2022 listing the reconsideration hearing for 17 October 2022.

8 The Claimant did not attend the reconsideration hearing. The Tribunal clerk telephoned the Claimant around 9:45am – 9:50am to confirm whether he was attending the hearing as there was no one waiting in the reception however he did not pick up the phone. The clerk called the Claimant for a second time around 10:30am following my instructions to find out what was happening. The Claimant informed the clerk that he did not receive the Notice of Hearing (which was sent in July by email his correct email address) and he was not aware of the hearing. He said he was at work in Wembley and would be unable to attend.

9 I considered what the most appropriate way to proceed was, in view of the correspondence, procedural history and the overriding objective. Ultimately, and notwithstanding the Claimant's absence from the hearing and his reasons for not attending, I refuse the Claimant's application to reconsider the strike out judgment. There is no reasonable prospect of the original decision being varied or revoked. There is no indication that the Claimant has taken any steps to seek to restore the dissolved Respondent company to the Companies House Register. He has therefore continued to fail to actively pursue his claim.

**Acting Regional Employment Judge Burgher
Dated: 17 October 2022**