



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Mr E Riddick-Smith**

**V Advanced Water Company Limited**

**Heard at:** Birmingham

**On:** 5 January 2023

**Before:** Employment Judge Broughton

**Appearances:**

For Claimant: no appearance

Respondent: Mr O Lawrence, counsel

## JUDGMENT

1. The claimant failed to attend, did not contact the tribunal and attempts to contact him were unsuccessful.
2. There was no evidence that the notice of hearing and subsequent emails from the respondent were not received by the claimant.
3. In those circumstances and given the history of material non-compliance with orders and directions of the tribunal by the claimant, his claims are dismissed under rule 47 Employment Tribunals Rules of Procedure 2013.

Summary reasons

4. The claimant brought claims of disability discrimination.
5. He had been required to provide a disability impact statement by 11 February 2022. He provided something to the tribunal on that date which fell significantly short of the requirements. He failed to copy in the respondent, a pattern which was regrettably repeated, despite express requests from the tribunal.
6. At a preliminary hearing on 7 July 2022, EJ Wedderspoon spelt out what was required both in terms of an impact statement and medical evidence in support.
7. The claimant was also required to provide a schedule of loss which he only did 6 weeks late.

8. The medical evidence and impact statement were due to be provided by 4 August 2022. They were not.
9. Having chased, the respondent made an application for strike out on 25 August 2022.
10. Still no disability related information was provided, and the respondent chased a response to their application.
11. On 15 October 2022, EJ Faulkner stated that he was considering striking out the claimant's claims in their entirety and gave him the opportunity to make representations or request a hearing.
12. The claimant did neither, nor has this been rectified to date.
13. On 28 October 2022, the claimant sent what purported to be an impact statement to the tribunal again failing to copy in the respondent.
14. The information provided failed to address many of the key issues identified by EJ Wedderspoon, including the relevant effects of his alleged disability at relevant times and dates of the alleged diagnosis and effects.
15. The claimant provided what he said were a couple of documents demonstrating medication he had been prescribed but no information regarding why or for how long and only one of which related to the relevant period. No other medical information has ever been provided, despite clear and express orders for the same.
16. No explanation has ever been offered, nor have any representations been received opposing strike out.
17. This hearing was arranged to consider the respondent's strike out application.
18. An open preliminary hearing had been listed for 23 January 2023 to consider the disability question. The evidence provided by the claimant fell well short of what had been ordered and what would be required to satisfy the tribunal that he met the definition of a disabled person at all relevant times.
19. In all those circumstances, it would not be in the interests of justice to allow the claimant's history of non-compliance to continue at the expense of the respondent.
20. His claims were likely to have been struck out and/or been dismissed for failing to satisfy the definition of disability.

21. However, having been absent today for no apparent reason and having failed to communicate with the respondent or the tribunal, his claims are dismissed under rule 47 for his failure to attend.

22. The hearings listed will be vacated.

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Employment Judge Broughton

Date: 5 January 2023