



EMPLOYMENT TRIBUNALS

Claimant

Mr J Welch

Respondent

**v West Midlands Ambulance Service
University NHS Foundation Trust**

PRIVATE PRELIMINARY HEARING

Heard at: Birmingham

On: 15 May 2023

Before: Employment Judge Broughton

Appearance:

For the Claimant: no appearance

For the Respondent: Mr O Lawrence, counsel

JUDGMENT

The claimant's claims are dismissed under rule 47 Employment Tribunals Rules of Procedure 2013.

1. The claimant failed to attend today or notify the tribunal.
2. On further enquiry, the claimant was telephoned and claimed that he had believed the hearing was on 28 May 2023 (a Sunday). There was no information as to where this alternative date came from, the actual date having been communicated at least 3 times, but the claimant suggested his confusion was down to his alleged disability of dyslexia.
3. The claimant had been ordered to provide full details and disclosure regarding his disability as far back as February 2022. He has repeatedly failed to do so, despite several chasers, extensions, further orders and adjustments.
4. Indeed, this hearing was specifically arranged as an adjustment to assist him.

5. Three previous hearings have been postponed, two of which were on the claimant's application for different alleged reasons.
6. The claimant has also failed to comply completely with my other orders from the previous hearing on 30 January 2023.
7. The claimant has previously stated that he has had challenges with technology, potentially related to his alleged disability. That said, he has been able to correspond with the tribunal and respondent. He has also been able to share some documents, albeit their relevance was unclear.
8. As a result, there was nothing to suggest the claimant could not have provided at least some of the further documentation and information required.
9. The claimant has been working and looking after his family but has also produced a fit note covering the period from 10 April 2023 to 9 June 2023 suggesting he is suffering from stress and anxiety but is fit for adjusted hours and duties.
10. Again, therefore, there is nothing to suggest that he has been unable to comply with previous orders or to attend today, notwithstanding his other challenges of which I have taken due notice.
11. In all those circumstances, there appears little realistic prospect of ever receiving the necessary further information, documentation and/or attendance to progress the claimant's case. The respondent has already been put to considerable time and expense and we are no further forward.
12. It was impossible to make any progress today in the claimant's absence and without the necessary further information.
13. The explanation offered in correspondence and today for the claimant's failings is inadequate.
14. As a result of considering all the circumstances, I reluctantly conclude that it is in the interests of justice for the claimant's claims to be dismissed.

Employment Judge Broughton

15 May 2023