



EMPLOYMENT TRIBUNALS

Claimant
Mr E Belmar

- V -

Respondent
Apple Retail UK Ltd

JUDGMENT

- 1. The claim is struck out as it has not been actively pursued and the claimant has not complied with tribunal orders.**
- 2. The preliminary hearing listed for 15 August 2023 is vacated and will not take place.**

REASONS

1. The claimant did not attend a preliminary hearing held on 20 April 2023 before Employment Judge Codd. The tribunal was not able to contact him.
2. EJ Codd carried on the hearing in the claimant's absence and made certain orders. These included that the claimant should, by 10 May 2023, submit a schedule of loss; and provide certain further and better particulars of his claim. These orders were included in EJ Codd's written summary of the preliminary hearing, which was sent to the parties on 20 April 2023.
3. Also on 20 April 2023, EJ Codd issued a strike out warning in writing to the claimant, indicating that the tribunal was considering striking out his claim because the claimant failed to attend the hearing on 20 April 2023 and therefore the claim was not being actively pursued. The warning went on to state that, if the claimant wished to object to this proposal, he should give his reasons and confirm that he had complied with the directions of the accompanying case management order (referenced above) by 10 May 2023.
4. No reply has been received from the claimant by the tribunal, either by 10 May 2023 or at all. The claimant has neither complied with the orders nor set out any reasons objecting to the proposal to strike out the claim.

5. In an application of 16 May 2023, the respondent's solicitors applied for the claim to be struck out on the basis that it was not being actively pursued and because the claimant had not complied with the tribunal orders.

6. As set out above, it is self-evident that the claimant has not complied with EJ Codd's orders and that he is not actively pursuing his claim.

7. In the circumstances, I consider that it is entirely proportionate to strike it out. Despite multiple opportunities, the claimant has not even contacted the tribunal, let alone given any explanation for his failure actively to pursue the claim or to comply with the orders. There is every expectation that, if the claim was not struck out at this point, the claimant would carry on in the same manner, thereby causing further unnecessary prejudice to both the respondent, to the tribunal system and to other tribunal users in terms of the judicial and administrative resource which would continue to be devoted, unnecessarily, to his claim.

8. The claim is therefore struck out because it is not being actively pursued and because the claimant has not complied with the tribunal orders.

Employment Judge Baty

Dated: 19 May 2023

Judgment and Reasons sent to the parties on:

19/05/2023

For the Tribunal Office