



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr KAPILYA NYIRENDA  
**Respondent:** VIRGIN MEDIA LIMITED  
**Heard at:** London South (by CVP video hearing) **On:** 30 June 2023  
**Before:** Employment Judge Hena

**Representation**  
**Claimant:** None Attendance  
**Respondent:** Mr Green, Counsel, Victoria Othen, Instructing Solicitor

## JUDGMENT

The claim is struck out.

## REASONS

1. The Tribunal listed the matter for Final Hearing on 30 June 2023, the claimant did not attend the hearing, despite the Tribunal calling and sending him an email he did not engage.
2. Further to this the claimant has failed to actively pursue his claim and submit any evidence in this matter. The claimant responded to the respondent on 7 June 2023 to say he was still pursuing his claim, when requested to submit documents he wished to rely upon, he failed to engage again.
3. Prior to the 7 June 2023 the claimant had failed to engage with the respondent's correspondence regarding preparation of his claim.
4. The claimant provided no medical evidence as to issues he may have engaging with proceedings.
5. The claimant's claim is struck out on the basis of the following:
  - the manner in which the proceedings have been conducted by or on behalf of the claimant has been scandalous, unreasonable or vexatious;
  - it has not been actively pursued.

- it is no longer possible to have a fair hearing of the claim, because the claimant refuses to engage with the respondent on the Tribunal in order for his application to be determined.
6. The claimant has failed to make representations in writing as to why he was unable to attend the hearing and why his claim should continue.

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Employment Judge Hena  
Date: 30 June 2023

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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