



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr N Simmons

**Respondent:** Capricorn Wealth Management Limited

## JUDGMENT

The claimant's claims are dismissed.

## REASONS

1. On 3 July 2023 Employment Judge Tinnion made an order under rule 38 of the Employment Tribunals Rules of Procedure 2013 that the claims would be dismissed without further order unless by 31 July 2023 the claimant:  
*b) Disclose[d] to the Respondent (by emailing the Respondent's solicitors) a copy of the police caution which the Claimant told the ET (EJ Tinnion) at the Preliminary Hearing for Case Management on 23 February 2023 he had received (the "Caution");*  
*Or (c) sen[t] the Respondent (by emailing the Respondent's solicitors) an affidavit duly sworn by a solicitor holding a current practicing certificate:(I)stating (if true) that neither the Claimant nor that solicitor have been able, despite reasonable efforts, to obtain and disclose a copy of the Caution; and (II) giving full factual particulars which explain why neither the Claimant nor that solicitor have been able to obtain and disclose a copy of the Caution.*
2. I have considered the claimant's correspondence of 31 July 2023 and 21 August 2023. He has not disclosed a copy of the police caution nor sent an affidavit in the form ordered. I concluded that he has not complied with the order made by Employment Judge Tinnion with the result that the claims are dismissed under rule 38.

3. The hearing listed on **14 and 15 September 2023** is cancelled.

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Employment Judge Joffe  
Date: 31 August 2023

JUDGMENT SENT TO THE PARTIES ON

..31/08/2023

FOR THE TRIBUNAL OFFICE