



EMPLOYMENT TRIBUNALS

Claimant: Mr A Joynes

Respondents: 1. Bluestones Supply Chain Ltd
2. Magnit Global GRI Ltd

Heard at: Liverpool **On:** 22 August 2023

Before: Employment Judge Horne

REPRESENTATION:

Claimant: Did not attend and was not represented

Respondents: 1. Ms J Dawson, head of legal and company secretary
2. Ms N Ormerod, in-house corporate counsel

JUDGMENT

The claim is dismissed.

REASONS

1. Rule 47 of the Employment Tribunal Rules of Procedure 2013 provides:

“If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim... Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party’s absence.”

2. The power in rule 47 must be exercised in accordance with the overriding objective in rule 2. The overriding objective is to deal with cases fairly and justly. This includes avoiding delay and acting proportionately.

3. A preliminary hearing took place on 10 May 2023. The parties attended by telephone. At that hearing it was decided that there would be a further hearing on 22 August 2013 for the purpose of considering whether the claimant’s claim should be struck out. The date was announced to the parties over the telephone.

4. Notice of hearing was sent to the parties by e-mail on 17 May 2023. The notice stated the time and date of the hearing and informed the parties that it would be taking place on the CVP video platform. Guidance on remote hearings was attached to the covering e-mail.
5. Also on 17 May 2023, the tribunal e-mailed to the parties a written record of the preliminary hearing, which contained a case management order. Paragraph 2.2 of that order required the claimant to reply to the respondents' strike-out applications by 5 July 2023.
6. On 17 July 2023, the claimant e-mailed the tribunal to say that his wife had suffered a serious injury, which was "gradually improving". He asked to have "the date extended" as he was "quite busy with the fall out". The date to which he was referring appeared to be the date for compliance with paragraph 2.2 of the order.
7. The e-mail address from which the claimant sent his 17 July 2023 e-mail was the same address to which the tribunal has sent correspondence throughout the lifetime of this case.
8. The tribunal replied on 11 August 2023. It was made clear in the tribunal's reply that the hearing would proceed on 22 August 2023 and that, if the claimant wished to have the hearing postponed, he would need to make a specific request supported by medical evidence.
9. On 11 August 2023, Ms Dawson sent the claimant an e-mail on behalf of Bluestones Supply Chain Ltd. Her e-mail also pointed out to the claimant that he had an opportunity to request a postponement of the hearing.
10. In a separate e-mail, Ms Dawson informed the claimant that the hearing was still going ahead.
11. In the meantime, Ms Ormerod on behalf of Magnit Global GRI Ltd attempted on more than one occasion to make contact with the claimant. Her attempts were unsuccessful.
12. Ms Dawson e-mailed the tribunal to check whether the hearing was proceeding. In response, the tribunal e-mailed the parties at 12.07 on 21 August 2023, reminding them that the hearing would be proceeding the following day (today).
13. The link to the hearing was e-mailed to the parties at 2.40pm on 21 August 2023.
14. The tribunal has no record of the claimant having e-mailed or otherwise communicated with the tribunal since 17 July 2023.
15. The hearing started at 10.14am, by which time the claimant had not attempted to connect to the hearing.
16. At 10.20am, the tribunal clerk attempted to telephone the claimant using the mobile telephone number stated on his claim form. Her call was not answered.
17. The claimant still had not connected by 10.30am. There is no record of him having proactively tried to contact the tribunal to explain any difficulty in connecting to the hearing.
18. I am satisfied that the tribunal has made all practicable enquiries about the reasons for the claimant's absence.
19. The claimant's wife's injury does not appear to explain his absence from the hearing. His 17 July e-mail did not say that he would be unable to participate,

just that he was busy with the fall out and wanted an extension to the date for compliance with case management orders.

20. The claimant must have known that a possible outcome of the hearing would be to bring his claim to an end: he knew that one of its purposes was to consider striking out his claim.
21. The claimant appears recently to have stopped engaging with the respondents and the tribunal.
22. Dismissing this claim under rule 47 would be proportionate and helps to achieve the overriding objective.
23. The claim is therefore dismissed.

Employment Judge Horne

Date: 22 August 2023

SENT TO THE PARTIES ON

5 September 2023

FOR THE TRIBUNAL OFFICE