



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Thomas

**Respondent:** WATL Group Ltd

## JUDGMENT

The claim is struck out.

## REASONS

1. The claim was presented on 29 November 2022 as a complaint of disability discrimination. After enquiries about the correct name of the respondent the proceedings were served on the respondent WATL Group on 17 April 2023. No ET3 response has been filed.
2. The claimant filed a case management agenda seeking to add a second named respondent and also seeking further amendments to bring a failure to make reasonable adjustments complaint and a complaint about discriminatory dismissal or constructive dismissal relating to events after the ET1 was first presented.
3. The case came before EJ Sharp on 7 June 2023. The claimant was ordered to make a fully pleaded application to amend by 7 August 2023 and a further case management hearing was to be listed after that date to deal with the application and to make further case management orders. The claimant was also ordered to provide a written statement about his impairments and to provide a copy of relevant medical records also by 7 August. These were needed to determine the question of whether the claimant was a disabled person at the relevant time.
4. On 8 June 2023 the parties were sent a notice of hearing for that further case management preliminary hearing to take place on 18 September 2023.
5. On 10 August 2023 Legal Officer Murphy wrote to the claimant as the tribunal had not received the witness statement and medical records about the issue of disability. The claimant was directed to provide a response within 7 days. On 22 August 2023 the claimant was sent a further reminder with a direction to reply within 7 days. There was no response.

6. There has also been no further application to amend as envisaged in EJ Sharp's order. That said the claimant is not compelled to make one and would still have (as set out in EJ Sharp's case management order) a complaint of discrimination arising from disability that he is able to bring without the need for amendment.
7. On 7 September 2023 EJ Sharp sent the claimant a strike out warning on the basis of failure to comply with the case management orders of 7 June and because the case has not been actively pursued. The claimant was to set out any objections in writing by 14 September or request a hearing by that date.
8. The claimant did not send in any objections to his claim being struck out by 14 September. But by the time the case came before me on 18 September 2023 no judicial decision had been made whether or not to strike out the claim. Given the shortness of time between 14 and 18 September I therefore decided to see if the claimant would attend the case management hearing. He or his representative did not attend. At my direction the clerk telephoned them. The claimant's representative (also his partner) said that they would not be attending the hearing. The clerk told me that they did not seem to be aware of it and when asked if they would now be attending they said no and that an email had been sent months ago about not attending. I asked the clerk to double check for any further emails from the claimant's representative since the hearing on 7 June 2023. The clerk has not been able to find any emails from the claimant or his representative since that date.
9. Under Rule 37 of the Employment Tribunal Rules of Procedure I have therefore decided to strike out this claim on the basis of non compliance with the case management orders of 7 August 2003 and because this case has not been actively pursued. The Tribunal cannot progress and determine the claim (even the claim as originally brought without amendment) without the disability documentation and information the claimant has been ordered to provide and if the claimant does not attend hearings or respond to correspondence.

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Employment Judge R Harfield  
18 September 2023

JUDGMENT SENT TO THE PARTIES ON 19 September 2023

FOR THE TRIBUNAL OFFICE Mr N Roche