



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Bestington
Respondent: Panther Warehousing Limited

AT A PUBLIC PRELIMINARY HEARING

Heard at: Leeds by CVP video conferencing **On:** 11th August 2023
Before: Employment Judge Lancaster

Representation

Claimant: Did not attend
Respondent: Ms C Moolenschot, solicitor

Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013:
rules 37 (c), (d) and 47

JUDGMENT

The claim is dismissed.

REASONS

1. The case was listed today for a preliminary hearing to determine whether the Claimant was a disabled person by reason of her diabetes.
2. The Claimant has not complied with any of the case management orders requiring her to provide evidence in support of her claim to be disabled. These orders were made at a preliminary hearing for case management held on 4th May 2023, and at which the Claimant was present, and the date for compliance was 23rd June 2023.
3. Even had the Claimant attended today she would not, therefore, have yet been able to show on properly disclosed evidence that she was disabled.
4. The Claimant has also failed to provide the Schedule of Loss which was ordered to be done by 19th May 2023.
5. The Respondent has applied for unless orders, compelling compliance with directions, on 26th June, 11th July and 14th July 2023 but these requests have being held in abeyance pending the further actions detailed below.

Case: 1807151/2022

6. On 21st June 2023 the Claimant had applied to postpone this hearing because she is undergoing medical treatment.
7. On 26th June 2023 She was directed to provide medical information in support of her application to postpone by no later than 24th July 2023. She has not done so, nor made any further contact with the Tribunal.
8. On 2nd August 2023 the Claimant was further directed to provide the outstanding medical information by noon on 7th August 2023, otherwise this hearing would remain as listed and if the Claimant then failed to attend, she was put on notice that her claim would almost certainly be dismissed because it is no longer being actively pursued.
9. The Claimant has failed to attend today, still without having made any contact with the Tribunal. It is not therefore practicable to seek to make any additional enquiries as to any medically supported reason for her absence.
10. Apart from the fact that the claim of disability discrimination is certainly now liable to be struck out for failure to comply with case management orders, so that the claim cannot be proved, and the fact that, upon the total failure to comply with further directions regarding the postponement request, there is no indication of any part of the claim being actively pursued so that strike out might also be ordered on that ground, the Claimant's non-attendance at this hearing has led to it being dismissed in any event.

EMPLOYMENT JU DGE LANCASTER

DATE 11th August 2023

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Bestington
Respondent: Panther Warehousing Limited

AT A PUBLIC PRELIMINARY HEARING

Heard at: Leeds by CVP video conferencing **On:** 11th August 2023
Before: Employment Judge Lancaster

Representation

Claimant: Did not attend
Respondent: Ms C Moolenschot, solicitor

Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013:
rules 37 (c), (d) and 47

JUDGMENT

The claim is dismissed.

REASONS

1. The case was listed today for a preliminary hearing to determine whether the Claimant was a disabled person by reason of her diabetes.
2. The Claimant has not complied with any of the case management orders requiring her to provide evidence in support of her claim to be disabled. These orders were made at a preliminary hearing for case management held on 4th May 2023, and at which the Claimant was present, and the date for compliance was 23rd June 2023.
3. Even had the Claimant attended today she would not, therefore, have yet been able to show on properly disclosed evidence that she was disabled.
4. The Claimant has also failed to provide the Schedule of Loss which was ordered to be done by 19th May 2023.
5. The Respondent has applied for unless orders, compelling compliance with directions, on 26th June, 11th July and 14th July 2023 but these requests have being held in abeyance pending the further actions detailed below.

Case: 1807151/2022

6. On 21st June 2023 the Claimant had applied to postpone this hearing because she is undergoing medical treatment.
7. On 26th June 2023 She was directed to provide medical information in support of her application to postpone by no later than 24th July 2023. She has not done so, nor made any further contact with the Tribunal.
8. On 2nd August 2023 the Claimant was further directed to provide the outstanding medical information by noon on 7th August 2023, otherwise this hearing would remain as listed and if the Claimant then failed to attend, she was put on notice that her claim would almost certainly be dismissed because it is no longer being actively pursued.
9. The Claimant has failed to attend today, still without having made any contact with the Tribunal. It is not therefore practicable to seek to make any additional enquiries as to any medically supported reason for her absence.
10. Apart from the fact that the claim of disability discrimination is certainly now liable to be struck out for failure to comply with case management orders, so that the claim cannot be proved, and the fact that, upon the total failure to comply with further directions regarding the postponement request, there is no indication of any part of the claim being actively pursued so that strike out might also be ordered on that ground, the Claimant's non-attendance at this hearing has led to it being dismissed in any event.

EMPLOYMENT JU DGE LANCASTER

DATE 11th August 2023

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.