



EMPLOYMENT TRIBUNALS

Claimant: Mr Paul Gilby

Respondent: Brian Colledge

JUDGMENT

The claim is struck out.

REASONS

1. A telephone preliminary hearing was conducted by EJ Morris on 20 July 2023, at which the claimant's claims were to be discussed. The respondent attended; the claimant did not attend the hearing, and nor did the claimant's son, named as the claimant's representative. Neither the claimant nor his son were available when the Tribunal contacted them on the telephone numbers provided on the claim form.
2. By a letter dated 28 July 2023 the Tribunal gave the claimant an opportunity to make representations or to request a hearing, as to why the claim should not be struck out because it was not actively pursued.
3. On 31 July 2023, the claimant's son emailed the Tribunal, copying in the respondent, stating simply *'received, thank you. I will be appealing this as stated because I was work need it rechelduled'*.
4. On 6 September, 2023, EJ Sweeney directed that the claimant provide a more detailed response.
5. On 6 September 2023, the claimant's' son emailed the Tribunal only, stating *'hello there I am wanting to do the trial again as the court had the wrong number for my dad'*.
6. On 19 September 2023, EJ Arullendran directed that the claimant had failed to explain the lack of attendance at the hearing on 20 July 2023, and that if a satisfactory explanation was not received by 25 September 2023, an Employment Judge will consider striking out the claims.

7. On 19 September 2023, the claimant's son emailed the Tribunal only, stating *'the court had the incorrect number for my dad and brian did not show up'*.
8. On 2 October 2023, the parties were sent a notice of a Preliminary Hearing for Case Management, which was to take place at 10am on 14 November 2023 which was to take place in person. The parties were ordered to arrive 15 minutes before the start time. In emboldened text the parties were warned, first, that if either party would fail to attend the hearing, it may proceed in their absence and second, that the claimant's email of 19 September 2023 would not be considered by an Employment Judge until it was copied it to the respondent and confirmation was provided to the Tribunal that this had been done.
9. No confirmation was received by the Tribunal from, or on behalf of, the claimant stating that the email of 19 September 2023 had been copied to the Respondent.
10. On 4 October 2023, the Tribunal received an email from the claimant's son stating simply *'Confirm am attending'*.
11. The respondent attended the Primary Hearing on 14 October 2023; the claimant and/or his son did not attend. The respondent confirmed that he had not received a copy of the email from the claimant's son dated 19 September 2023. The Tribunal contacted both numbers provided on the claim form. The claimant answered the call stating he had no knowledge of the hearing and that his son was dealing with the matter. The claimant's son answered the second call stating he was at work but that he had received correspondence informing him the hearing was to commence at 2pm.
12. I am satisfied that the claimant is failing to actively pursue his claims. The claimant and/or his son failed to attend the hearing on 20 July 2023. I am satisfied that, contrary to the emails of 6 and 19 September 2023, the contact telephone numbers provided on the claim form are accurate and that the claimant and or his son failed to respond to the telephone calls from the Tribunal on 20 July 2023. I am satisfied that the claimant received the Notice of Hearing to take place on 14 November 2023, and furthermore that he therefore knew, or ought to know, that the explanation contained in the email of 19 September 2023 would not be considered unless he sent a copy to the respondent and contacted the Tribunal to confirm he had done that. I am satisfied that the claimant has failed to send a copy of his email dated 19 September 2023 to the respondent and that he has failed to comply therefore failed to comply with the order of the Tribunal. The claimant has provided no acceptable explanation for his failure to attend the hearing on 20 July 2023 and, furthermore, he has no acceptable explanation for his failure to attend the Tribunal at 10am on 14 November 2023.
13. The claim is therefore struck out.

Employment Judge Jeram
14 November 2023