



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr Christopher Norris

v

Munro Leisure Investments Limited

Heard at: Cambridge

On: 11 December 2023

Before: Employment Judge M Ord

Appearances

For the Claimant: Did not attend and was not represented

For the Respondent: Mr P Templeman, Financial Controller

ORDER STRIKING OUT CLAIMS

1. The Claimant's complaint that he was unfairly dismissed is struck out. The Claimant was not employed for two continuous years at the time of his dismissal and the Tribunal has no jurisdiction to hear that claim.
2. The Claimant's complaint that he was the victim of discrimination on the protected characteristic of disability is struck out pursuant to Rules 37 and 47 of the Employment Tribunal Rules of Procedure 2013.

REASONS

1. This matter came before me today for the purpose of a Public Preliminary Hearing to determine the question of whether or not the Claimant was, at the material times, a disabled person within the meaning of s.6 of the Equality Act 2010.
2. Today's Hearing had been listed by Employment Judge Hutchings when she conducted a Telephone Preliminary Hearing on 14 September 2023.
3. On that day the Claimant was Ordered to provide information by 27 October 2023 in particular the following:-
 - 3.1. A Schedule of Loss;

- 3.2. Confirmation of the physical or mental impairments he was relying on to establish his status as a disabled person;
 - 3.3. Information about the impairment: in particular its duration; its effects on the Claimant's ability to carry out day to day activities at the material time; details of the duration of the impacts and the medical treatment / medication which the Claimant had received; any measures the Claimant had taken to treat or correct the impairment; and any other information the Claimant relied on to show that he had a disability;
 - 3.4. The Claimant was also Ordered to send to the Respondent copies of the parts of his GP and other Medical Records relevant to the issue of disability; and
 - 3.5. Any other evidence relevant to whether he had a disability at the relevant times.
4. The Claimant has not provided any information to the Respondent whatsoever.
 5. The Claimant's employment with the Respondent began on 5 June 2022 (on the Claimant's evidence) and 5 July 2022 (on the Respondent's evidence). It ended on 31 March 2023 when the Claimant was dismissed.
 6. Under s.108(1) of the Employment Rights Act 1996, s.94 (which confers the right on an employee not to be unfairly dismissed by his employer) does not apply to dismissal of an employee unless they have been continuously employed for a period of not less than two years ending with the effective date of termination.
 7. The Claimant was employed for, on his evidence, 2 days less than 10 months (on the Respondent's evidence, 2 days less than 9 months) at the time of dismissal and the Tribunal has no jurisdiction to hear the complaint of unfair dismissal brought by the Claimant which is therefore dismissed.
 8. Under Rule 37 of the Employment Tribunal Rules of Procedure 2013, the Tribunal is entitled to Strike Out all or part of a Claim or Response on the basis that, inter alia, there has been non-compliance with any of the Rules of the Tribunal, or of an Order of the Tribunal and / or that the Claim or Response has not been actively pursued.
 9. Under Rule 47 of the Tribunals Rules of Procedure 2013, if a party fails to attend or be represented at a Hearing the Tribunal may dismiss the Claim or proceed with the Hearing in the absence of that party. Before doing so it shall consider any information which is available to it after any enquiries that may be practical about the reasons for the party's absence.
 10. No information regarding the Claimant's absence was provided to the Tribunal.

11. Efforts to contact the Claimant by the Administration had not been successful.
12. The Claimant had made no contact with the Tribunal Office to indicate that he would not be attending today's Hearing, or that there was a reason why he could not attend.
13. The Claim has not been actively pursued. The Claimant has taken no steps since the Preliminary Hearing before Employment Judge Hutchings on 14 September 2023.
14. The Claimant has not complied with the Orders of the Tribunal.
15. The Claimant has not attended today's Hearing and I have considered it appropriate to proceed in his absence.
16. The Claimant has provided no evidence in support of his contention to have been, at the material time, a disabled person within the meaning of s.6 of the Equality Act 2010.
17. For those reasons the Claimant's complaint that he was a disabled person and suffered discrimination on that protected characteristic have not been actively pursued. The Claimant has not complied with the Orders of the Tribunal and has failed to attend today's Hearing.
18. In the circumstances the complaint that the Claimant was the victim of discrimination on the protected characteristic of disability is struck out.

18 December 2023

Employment Judge M Ord

Sent to the parties on: 8 January 2024

For the Tribunal Office.