Case Number: 1804502/2022



EMPLOYMENT TRIBUNALS

ClaimantRespondentMr D DeanNano Fibre UK Ltd

Heard at: CVP On: 4 January 2023

Before: Employment Judge Davies

Appearances

For the Claimant: Did not attend

For the Respondent: Mr W Haines (consultant)

JUDGMENT

1. Pursuant to Employment Tribunal Rule 47 the claim is dismissed.

REASONS

- 1. The Claimant and Respondent were given notice of this hearing on 6 September 2022. The notice was sent to the Claimant at the email provided in his claim form. Case management orders were made at the same time. They required the Claimant to send a schedule of loss, copies of evidence and a witness statement to the Respondent. The Respondent told me today that the Claimant had not done any of those things.
- 2. The Claimant emailed the Tribunal at 3pm yesterday (from the same email address) to say that he wanted the hearing to be stopped because his grandmother had found out a week before Christmas that she was terminally ill and he was having to start looking after her full-time and did not need any more stress.
- 3. I am not satisfied that the Claimant's email is an unequivocal withdrawal of his claim, rather than a postponement request. I have therefore proceeded on the basis that it is a postponement request.
- 4. Nonetheless, I am satisfied that in all the circumstances it is consistent with the overriding objective and the interests of justice to dismiss the claim because of the Claimant's failure to attend the hearing. In particular, although he has known about the hearing since 6 September 2022 and has known about his grandmother's illness for two or three weeks, he did not make the application until the afternoon before the hearing. The Respondent had engaged legal representatives and had prepared for the hearing by that stage, and the Tribunal

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had allocated resources to conduct a hearing. The Claimant had not had a response to his email and could not reasonably assume that the hearing had been postponed. In addition, the Claimant appears not to have taken any steps to comply with the case management orders and prepare for the hearing. Those steps should have been taken before he found out about his grandmother's situation. It appears to me that he has not properly prepared for the hearing or pursued his claim from the outset. I have noted what he says about having ADHD in his claim form, but that does not provide an explanation for failing to take any steps to pursue his claim. Finally, the Claimant has not at any stage explained why he says he is owed holiday pay or other payments. The evidence provided by the Respondent, which I have considered in preparation for today's hearing, suggests that he was not owed any payments. His unfair dismissal claim has already been dismissed. The apparent weakness of the remaining claims weighs in favour of dismissing them.

Employment Judge Davies 4 January 2023