



EMPLOYMENT TRIBUNALS

Claimant: Mr. Shaun Burton

Respondent: Levellr Limited

Heard at: Bristol ET by telephone **On:** 3 October 2024

Before: Employment Judge Bowen

Appearances

For the Claimant: Did not attend.

For the Respondent: Mr. M. White Counsel

JUDGMENT

The claim is dismissed pursuant to Rule 47 of the Employment Tribunal Rules of Procedure 2013.

REASONS

1. Pursuant to Rule 47 of the Employment Tribunal Rules of Procedure 2013 if a party fails to attend or be represented at the hearing the Tribunal may dismiss the claim.
2. When the Claimant failed to attend the clerk emailed him at the email address provided on his ET1 to check his attendance at the hearing. The clerk also called the number that he has provided to the Tribunal on his ET1 form but there was no answer. A voicemail was left for the Claimant asking him to respond to the email that was sent or to contact Bristol Employment Tribunal urgently. This matter was listed for 1 hour from 2 pm. The Tribunal adjourned until 1430 to allow the Claimant time to respond and again between 1450 and 1510 when a decision was made. During that time, there was no communication from the Claimant in response to the Tribunal's attempts to contact him.

3. The Tribunal checked its correspondence and no communication has been received from the Claimant to explain his absence at the hearing.
4. Ms. F. Hunt (Solicitor for the Respondent) confirmed that she did not have any other email address or phone number for the Claimant other than those on the ET1.
5. On 9 April 2024 the Tribunal put the Claimant on a strike out warning in relation to his unfair dismissal (Employment Rights Act 1996) complaint on the basis that he lacked two years' service. He was asked to give written reasons why that claim should not be struck out by 16 April 2024. The Claimant responded on 8 April 2024. That complaint was accordingly struck out for lack of the requisite service on 25 April 2024 but it was explained to him that this did not impact upon his ability to bring a discrimination complaint in relation to his alleged dismissal. The Claimant responded on 13 May referring to his earlier correspondence challenging the strike out decision. The Tribunal responded to this on 24 May 2024 re-confirming that the decision did not affect his claim that his alleged dismissal was an act of disability discrimination.
6. The Tribunal made orders in these proceedings on 20 June and 18 September 2024 that the Claimant provide a disability impact statement and any medical disclosure in relation to his alleged disability. The original date for compliance was 1 August 2024. When the Claimant failed to comply with that order he was ordered to provide it by 25 September 2024. The Respondent has confirmed to the Tribunal that the Claimant has still failed to comply with those orders.
7. The Respondent has not received any recent correspondence from the Claimant and he has not corresponded with them over the aforementioned disability related orders. On 2 October 2024, the Respondent provided the Claimant with a copy of its Case Management Agenda for this hearing. Within that Agenda, the Respondent highlighted in green and bold as follows

“R has not heard at all from C for some time. If C does not attend the PH on 3 October 2024, R will invite the Tribunal to dismiss the claim pursuant to rule 47 of the ET Rules of Procedure 2013, which is in the section of the rules entitled “RULES COMMON TO ALL KINDS OF HEARING”.
8. On 9 April 2024 the Claimant was sent (by email) a Notice of Hearing for the preliminary hearing confirming it was to be heard on 3 October 2024 and the relevant login details (number and access code) were provided. The date of the hearing was also confirmed in correspondence from the Tribunal on 20 June and 18 September 2024. I am satisfied that the Claimant would have been aware of the date and time of this preliminary hearing.
9. The Claimant's claim is poorly pleaded and lacking in particularisation. The Claimant has also failed to comply with orders in relation to the issue of

disability as summarised above. Therefore, little (if any) real progress could be made in relation to the claim without the Claimant's attendance.

10. The Tribunal has made reasonable enquiries to ascertain why the Claimant has failed to attend the hearing and there has been no explanation provided for this from him.
11. This is the Claimants claim, he has failed to attend and it is unclear why. Considering Rule 2 of the Employment Tribunal Rules of Procedure 2013, the overriding objective and applying Rule 47 the claim is dismissed.

Employment Judge Bowen

3 October 2024

Sent to the parties on
23 October 2024
By Mr J McCormick

For the Tribunal Office