



EMPLOYMENT TRIBUNALS

BETWEEN:

Claimant
Mr Kyle Law

And

Respondent
Boneham & Turner Limited

AT A PRELIMINARY HEARING

Held: Nottingham **On:** 6 January 2025

Before: Employment Judge R Clark (Sitting alone)

REPRESENTATION

For the Claimant: Did not attend and was not represented.

For the Respondent: Ms S Ismail of Counsel

JUDGMENT

The claimant's claims are **dismissed** in accordance with rule 47 of the Employment Tribunal Procedure Rules 2024.

REASONS

1. This was a preliminary hearing in public to determine whether the claimant met the definition of disabled at the material time, to determine applications for strike out or deposit orders, and to make such case management orders as were then appropriate.
2. The hearing had been listed by EJ Ahmed at the preliminary hearing he conducted on 2 September 2024 which must have contained some discussion about today's hearing. The written record of that hearing was sent to the parties on 4 September 2024. Within it, Judge Ahmed gave notice that this hearing would take place over two days, in person at Nottingham. Directions were given in preparation for that hearing and 1 hour reading time allocated, leading to a direction that the parties did not need to attend before 11.00 a.m.

3. I can be certain that Mr Law received that order as he complied with elements directed at him.
4. At 11.00 a.m. this morning neither the claimant nor any representative was in attendance. The respondent was represented by Counsel who had travelled from Newcastle.
5. The Tribunal clerk was directed to attempt to make contact with the claimant or his representative. The representative on record is Ms Cheryl Brown. She is appropriately recorded as a lay representative, although she appears to have some relevant professional position. I am told the clerk attempted to make contact with both Mr Law and Ms Brown by telephone. He discovered the phone numbers given for each were the same. He called it twice and on each occasion the call went to voice mail.
6. I directed that he attempted to email. There was no email address given for the claimant at least directly. He had stated the same email address as was given for Ms Brown. The clerk emailed her at approximately 11:15. That did not prompt any response.
7. Today there was some inclement weather, although more so in the north and west of this hearing centre. The claimant and Ms Brown would have been travelling from Mansfield. Although Counsel had managed to travel her 150-mile journey, different areas of the country can be affected in different ways. I therefore stood the matter down until 11:45.
8. Had the claimant or Ms Brown encountered difficulties in travelling, one would have expected them to attempt contact with the tribunal. The clerk checked repeatedly for emails and no incoming messages had been received. At 11:45 I asked him to attempt one further telephone call. He did so in court, on loudspeaker and I heard for myself the number divert to voice mail.
9. The case was finally called on at approximately 11:55. Some aspects of the case required further information from the claimant to decide the matter. I therefore granted Ms Ismail's application to dismiss the claims in their entirety under rule 47 of the Employment Tribunal Rules of Procedure 2024.

EMPLOYMENT JUDGE R Clark
DATE 6 January 2025
JUDGMENT SENT TO THE PARTIES ON

.....07 January 2025.....

AND ENTERED IN THE REGISTER

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FOR THE TRIBUNALS