



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr P Ennis  
**Respondent:** Hermes Parcelnet Limited  
**Heard at:** Midlands East Tribunal  
**On:** 21 February 2025  
**Before:** Employment Judge Brewer

## Representation

**Claimant:** No attendance  
**Respondent:** Mr T Brown, Counsel

## JUDGMENT

The claims are struck out pursuant to Rule 47 of The Employment Tribunal Procedure Rules 2024

## REASONS

### Introduction

1. The final hearing of this case is scheduled to take place on the three, 4, and five November 2025. The claimant presented his claim on the 12 April 2024. The last day he was engaged to work for the respondent was in February 2024 some 12 months ago.
2. Along with the listing of the case for a final hearing, case management orders were made which included that the claimant should provide a schedule of loss by 20 June 2024 and the parties should exchange lists of documents on five September 2024. The claimant failed to comply with either of those case management orders.

3. A preliminary hearing was listed to take place on 8 August 2024. The respondent attended the hearing having instructed Counsel. The claimant failed to attend without give me any explanation as to why.
4. In the circumstances an unless order was issued requiring the claimant to show good reason why he could not attend and in the event he did so by providing evidence that he had been in hospital. Given the time taken for the claimant to recuperate it was not possible to list another preliminary hearing until today, 21 February 2025 which is 12 months since the claimant last worked for the respondents and ten months since the claim was presented during which time no progress has been made through no fault of the respondent.

### **Effect of non-attendance**

5. The attendance of the claimant is particularly significant because his claim is poorly pleaded and there is a need to take him through his claim in order to ascertain what he says is his disability, to make case management orders about that as it is a matter of dispute, and importantly to understand exactly what legal claims he is making.
6. Furthermore, this is the second occasion on which the respondent has been put to the costs of attending the hearing which the claimant has failed to attend. Given the pressure on listings it may also mean that the case is delayed, and it may now not be possible to prepare the case in time for the final hearing.
7. I considered whether I should strike out they claim for failure to attend the hearing under rule 47 of the Tribunal Rules 2024 discussion with Mr. Brown I was persuaded that I should given that if the claimant had a good reason for not attending, he can apply for reconsideration.
8. After the conclusion of the hearing and as I was writing my note of the hearing, I received an e-mail from the Tribunal administration as follows:

“I wanted to make you aware that the office received 2 phone calls from Mr. Ennis who was struggling to join the telephone hearing.

Unfortunately, he was struggling to read the email containing the pin to enter the call, and then miswrote a digit while on the first phone call with us about 5 minutes past 2.

I answered the second call personally, by that time the hearing had finished, and the claimant was upset that he had been unable to join.”

9. Assuming that the claimant has a laptop, I see no reason why he was not able to read an e-mail which can be significantly enlarged if the font size was difficult to read. There has been no further explanation about this. Furthermore, I find it somewhat fanciful that he miswrote a digit as he has suggested.
10. The fact is that the claimant’s behaviour today is consistent with what has happened in the past, that is he has manifestly failed to prosecute this case, and I consider that he has deliberately failed to attend. It is common sense that he

should have endeavoured to dial in in good time for the hearing to start at 2:00 pm but he did not.

11. Therefore, the claimant has failed to attend today, and I have taken the decision to strike out this claim under rule 47. Rule 47 is in the following terms:

“47. If a party fails to attend or to 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 must consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party’s absence.”

12. Obviously, it is open to the claimant to ask for me to reconsider this decision and if he does, I will do so.

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Employment Judge Brewer

Date: 21 February 2025

JUDGMENT SENT TO THE PARTIES ON

.....03 March 2025.....

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FOR THE TRIBUNAL OFFICE

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