



EMPLOYMENT TRIBUNALS

PRELIMINARY HEARING

Claimant: Mr C Thompson

Respondent: Fortius Ltd

Heard at: Southampton (in private, by telephone) **On:** 12 May 2025

Before: Employment Judge Dawson

Appearances

For the claimant: Did not attend and was not represented

For the respondent: Mr Hyatt, solicitor

JUDGMENT

1. The claim of disability discrimination has been struck out pursuant to the order of Employment Judge Bradford dated 12 March 2025.
2. The remaining claims of the claimant are struck out on the basis that they are not being actively pursued.

REASONS

1. The claimant did not attend at this hearing. Having reviewed the file, I was satisfied that the claimant had been notified of the hearing on 24 March 2025.
2. I also noted that the claimant has not complied with a previous order of the tribunal dated 27 November 2025, which had led to the unless order made on 12 March 2025 which the claimant has also failed to comply with. The claimant

failed to attend the hearing on 12 March 2025 and has not been in contact with the tribunal since then.

3. The unless order provided that unless the claimant sent medical documents to the respondent by 30 April 2025 his discrimination claim would be struck out. The claimant did not comply with that order. The order of 12 March 2025 is slightly ambiguous in that it does not state whether the claim of disability discrimination would be struck out without further order. I concluded that that was the effect of the unless order and, therefore, no further order is necessary. For the purposes of clarity, had I considered it necessary to do so, I would have concluded that the unless order have not been complied with and, therefore, the claim of disability discrimination should be struck out.
4. By application dated 2 May 2025, the respondent applied to strike out the claim of unfair dismissal on the basis that it had no reasonable prospect of success and, in the alternative, that the claimant was not actively pursuing the claim. In my judgment it is clear that the claimant is not actively pursuing his claim, given those matters which I have set out above, in particular, his failure to attend this hearing and the previous one and, in all the circumstances, a strike out order is the appropriate response. The respondent should not be put to the cost and inconvenience of defending a claim that the claimant is not pursuing. The respondent did not pursue the application to strike out the claim on the basis that it had no reasonable prospect of success at this hearing.

Employment Judge Dawson

Date: 12 May 2025

Sent to the parties on
27 May 2025

Jade Lobb
For the Tribunal Office

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>