



EMPLOYMENT TRIBUNALS

Claimant

J Timm

v

Respondent

Thrifty Car and Van Rental

Heard at: Reading by CVP

On: 19 June 2025

Before: Employment Judge W Anderson

Appearances

For the claimant: Did not attend

For the respondent: P Howarth (solicitor)

JUDGMENT

1. The claimant's claim is struck out.

REASONS

1. The claimant filed a claim of unfair dismissal on 10 October 2024 following a period of early conciliation from 23 August 2024 to 12 September 2024. The claimant has not contacted the tribunal or the respondent since that date.
2. The respondent filed a response on 14 November 2024, and the tribunal listed the case, as well as giving directions, in a notice dated 6 February 2025.
3. The claimant did not comply with the disclosure direction or respond to any communication from the respondent about the directions, and the respondent sought an unless order on 27 February 2025.
4. On 4 June 2025 EJ Shastri-Hurst ordered that the two day final hearing, listed for 19 and 20 June 2025, be converted to a one day hearing on 19 June 2025 to consider whether the claim should be struck out.
5. The claimant has not responded to the respondent's unless order application and has not complied with directions regarding the bundle and witness statements for the final hearing.
6. The claimant provided an email address on his ET1 form which the tribunal has used for communication. The respondent had a second email address

which it has used in addition to the address on the ET1 for its communications with the claimant. It has also corresponded by post including in relation to this hearing and the documentation it has prepared for it.

7. The claimant did not attend the hearing and provided no advance explanation for his absence. At the hearing the respondent provided to the tribunal a phone number it held on record for the claimant. The tribunal clerk dialled the number but there was no connection. The clerk also emailed the claimant to ask if he was attending. There was no response.
8. I am content that the claimant will have been aware that there hearing was taking place today and that the tribunal would consider whether to strike out his claim. The notification was emailed by the tribunal. It was also sent by 'signed for' post by the respondent.
9. The tribunal has the power to strike out a claim under s38 of the Employment Tribunal Procedure Rules 2024

38.—(1) The Tribunal may, on its own initiative or on the application of a party, strike out all or part of a claim, response or reply on any of the following grounds—

- (a) that it is scandalous or vexatious or has no reasonable prospect of success;
 - (b) that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious;
 - (c) for non-compliance with any of these Rules or with an order of the Tribunal;
 - (d) that it has not been actively pursued;
 - (e) that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim, response or reply (or the part to be struck out).
- (2) A claim, response or reply may not be struck out unless the party advancing it has been given a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing.
- (3) ...

10. In the circumstances I have decided to strike out the claimant's claim under s38 (1)(c) and (d). The claimant has failed to comply with the tribunal's directions issued on 6 February 2025 and has provided no explanation for this failure. He has made no contact with the tribunal or the respondent since filing his claim in October 2024. He has had the opportunity to make representations in writing and at a hearing to say why his claim should not be struck out and he has failed to do so.

Approved by:

Employment Judge W Anderson

Date: 19 June 2025

Sent to the parties on: 24 June 2025

For the Tribunal Office