



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Pearce

**Respondent :** Ballycommon Services Limited

## RECORD OF A PRELIMINARY HEARING

**Heard at:** Southampton

**On:** 17 July 2025

**Before:** Employment Judge Self

### Appearances

For the Claimant: No Attendance

For Respondent : Mr R Barry - Director

## JUDGMENT

All claims are struck out under Employment Tribunal Rule 38(1)(d) because they have not been actively pursued.

## REASONS

1. The Claimant issued his claim for disability discrimination and unlawful deduction of wages on 26 September 2024. According to his claim form he was engaged for only six days. The Claim Form does not disclose any clear discrimination claims and nor does it specify what wages are owed.
2. The Claimant was ordered to provide particulars and indicated that because of his disability he would rather tell a Judge than write it. The Claimant was granted that indulgence.

3. This hearing has been listed since November 2024 and I am satisfied the Claimant had notice of it. Nothing has been heard from the Claimant for 3-4 months. He did not attend today, and the matter could not be taken forward.
4. I have decided to dismiss / strike out the Claimant's claim on the basis he has not actively pursued his claim. I recognise that I could have issued an unless order but decided that I would dismiss the Claim instead. I inform the Claimant that if he wishes to reinstate his claim he must make an application for reconsideration within 14 days of this Order being sent. He must mark any correspondence for my attention, and he should set out:
  - a) That he wishes to prosecute his claim;
  - b) Identify the reasons why he failed to attend today;
  - c) What impairments have led to him being disabled at the material time;
  - d) What acts of disability discrimination he wishes to bring setting out the date of the incident, who the perpetrator was and a brief description of the discrimination.
5. If the Respondent does what is set out at paragraph 4 within the time specified then his reconsideration application will be considered as to whether this Judgment needs to be varied or revoked.

**THIS ORDER HAS BEEN APPROVED BY EMPLOYMENT JUDGE SELF**

**17 July 2025**

Sent to the parties on  
23 July 2025

For the Tribunal Office