



EMPLOYMENT TRIBUNALS

Claimant: Miss C Brown

Respondent: AB INBEV (UK) Limited

Heard at: Watford **On:** 1 and 2 September 2025

Before: Employment Judge Cowen
Ms S Johnstone
Mr D Sagar

Appearances

For the claimant: Did not attend

For the respondent: Ms Palmer (counsel)

JUDGMENT

1. The Claimant's application for postponement of the final merits hearing was not allowed.
2. The Claimant's claim was dismissed.

REASONS

1. The Claimant brought a claim of sex discrimination and public interest disclosure detriment against the Respondent.
2. The case was listed for a final merits hearing, for 10 days, starting on 1 September 2025.
3. On the first day of the hearing, the panel were provided with bundles of documents and witness statements from the Respondent. They did not receive any papers from the Claimant.
4. The Respondent's counsel and Instructing Solicitor were present in the Tribunal. The Claimant did not attend.
5. The Claimant had emailed the Tribunal on 19 August 2025 requesting a postponement of the hearing. This was not the first time the Claimant had

requested a postponement of this hearing, as she had also referred to in May, when she also requested a postponement of a case management hearing in July 2025.

6. On 15 July 2025, before EJ McNeil KC, the Claimant's applications for postponement of the case management hearing and the final hearing were both rejected.
7. The Claimant applied once again for postponement by way of an email on 19 August 2025. The only material difference in circumstances since the rejection of her previous application was that she attached an email from the NHS confirming a conversation on 13 August, in which the Claimant had agreed that her day surgery on her knee would be rescheduled to 8 September 2025. The Claimant also listed an appointment for a blood test on 2 September and at ENT outpatients on 3 September. The Claimant referred to these as urgent and unavoidable.
8. The Claimant's application also referred to the fact that she was involved in a housing case in the county court, has limited financial means and cannot afford to travel to the Tribunal. She further indicated that she does not have her own computer and internet connection, but relies on family and friends to allow her to have access to the internet.
9. Finally the Claimant referred to having dyslexia which results in her taking time to process written documents and complaining that she had been placed at a disadvantage by being provided with the bundle on a date after the court orders, having insufficient time to prepare and that no arrangement for reasonable adjustments had been made. The adjustment requested is a postponement to a later date, a letter from the Tribunal listing what further information/documentation is required from her, remote participation, access to transcripts and audio recordings, hard copies of the bundle and clear written communications.
10. The Claimant's letter also referred to having asked for audio recordings and transcripts of hearings which have not been received. It does not appear that the Claimant had formally applied to HMCTS for the transcripts. She also requested that a medical professional be present at all Tribunal hearings and that reasonable adjustments are implemented.
11. The Claimant's application appeared to say that she could not travel to an in person hearing and could not attend via CVP due to a lack of technology. She did not, until 2 September suggest that she would be able to join the hearing by telephone. At which point, she did not do so, saying that she had a medical appointment.
12. The Respondent replied to this application on 20 August, setting out that this application had already been made and rejected in July 2025 and that there had been no material change since then.
13. The Respondent relied on the fact that there was no medical evidence as to why it was necessary for the Claimant to schedule this procedure during the period of the listing, or why it would prevent her from attending on any other

day of the hearing.

14. The Respondent also highlighted in their letter and in the oral submissions made at the hearing on 1 September, that if this 10 day hearing were to be relisted it would now be pushed out to late 2027/early 2028.
15. The Respondent also addressed the 'reasonable adjustments' requested by the Claimant; including the postponement of the hearing until the Claimant is 'medically fit'. The Respondent submitted that no time line was given to this and that to leave the matter indefinitely was not a reasonable adjustment to make, as the Claimant has not provided medical evidence of when she is likely to be able to participate.
16. The Respondent also highlighted the Claimant's non compliance with previous orders. She has failed to provide any additional documents as directed, or to provide details of her comparator, or even her own witness statement.
17. In both their written and oral submissions, the Respondent set out that a fair hearing could not occur, if the hearing was postponed to late 2027/early 2028, as this would mean a hearing some 6 years post allegations, which would not be just and equitable. The Respondent also highlighted that some of their witnesses were no longer employed by the Respondent and that two of them had since moved to New Zealand and were therefore unlikely to return to give evidence in person and that doing so by CVP would be difficult due to time differences.
18. The Respondent also made reference to the costs associated with having prepared for the final hearing and instructing counsel, as well as the increased costs of having to deal with the Claimant's conduct.
19. The Respondent pointed out that if the Claimant was unable to attend either in person or online and that if neither of those situations was likely to change, there would be no benefit in postponing this hearing.
20. Finally the Respondent highlighted that the Claimant's time and effort appears to have gone into criticism of the Respondent, when in fact the Respondent has delivered the bundle and the witness statements to the Claimant and has repeatedly delivered documents to her, when the Claimant has denied receipt.
21. The Respondent's written response to the application, offered to provide the Claimant the cost of her travel expenses to attend the hearing or alternatively to loan her equipment in order to access CVP at home via a 'hotspot' on the internet.
22. The Respondent provided to the Tribunal, a correspondence bundle running to 234 pages, setting out the correspondence in 2025 between the parties and the Tribunal.
23. The Tribunal decided to allow the Claimant a final opportunity to attend the hearing at 10am on 2 September, before a decision was made on postponement. The Tribunal phoned her to say that she was being sent an

email, which explained that as she had internet connection, she was asked to attend online.

24. On 2 September the Claimant phoned the Tribunal to explain that she would not be attending online. She had also sent a further email at 22.37 on 1 September setting out her reasons once again.

The Law

25. An application can only be considered afresh by a Tribunal where there has been a material change in circumstances. This follows *Goldman Sachs Services Ltd v Montali* 2002 ICR 1251, EAT which indicated that the Tribunal should follow the same principle set out in the Civil Procedure Rules 1998.
26. It is open to a Tribunal under rule 30 Employment Tribunal Rules 2024, to vary or revoke a previous order, but it must be clear that is used sparingly, in order to ensure that there is finality to litigation. Where there is a material change in circumstances, the issue can be considered with the further information in mind.
27. Rule 32 requires that an application is made for postponement made as soon as possible after the need for postponement becomes known.
28. In *Pye v Queen Mary University of London* EAT 0374/11 it was said that the Tribunal must exercise its discretion with 'due regard to reason, relevance and fairness' when considering an application to postpone.
29. There must also be consideration of the overriding objective, (rule 3) including the need to avoid delay, deal with matters fairly and justly and save expense. Matters included in Article 6 ECHR are also relevant such as the right to a fair trial must also be considered and hence the Tribunal can consider the degree of prejudice to each side, whether the parties had a say in the listed day, whether there had been a previous postponement and what the prospect was for the applying party to be well enough to attend within a reasonable time.
30. The Presidential Guidance indicates that once the Tribunal Judge has all the relevant information they should make the decision using their discretion and notify all parties as speedily as possible.
31. Where a party fails to appear at a hearing, the Tribunal should consider any information available about the circumstances of the non-attendance, having made enquiries that are practicable, but may dismiss the claim under rule 47.

Decision

32. The Tribunal concluded that the Claimant had accepted multiple medical appointments which clashed with the listing of the hearing, without any attempt to alter the dates of the appointments, or any explanation of why it would not be appropriate to do so.
33. It was accepted that the notification of the surgery did not occur until 12 August when the Claimant spoke with someone at the hospital, but there was

no explanation of whether the Claimant had explained to them that she was due to be in a Tribunal hearing on the day that was being offered.

34. Nor was there explanation of the need for any of the other appointments which the Claimant listed which also clashed with the hearing, but were not directly related to the surgery.
35. Furthermore, the Tribunal took into account the fact that the Claimant also asserted that she could not travel to the Tribunal due to lack of funds, nor could she connect remotely. Although the Tribunal noted that the Respondent had offered to arrange taxis to the Tribunal and/or internet connection.
36. Furthermore, the Claimant also indicated that her dyslexia was also preventing her from participating in the process, but she had failed to take any active steps to request transcripts of previous hearings.
37. The Tribunal were satisfied that the Claimant was relying on a number different reasons for her non- attendance, some of which were long term issues which the Claimant could give no date by which she would be able to attend/participate in the hearing. Furthermore, the issues about not being able to travel or to participate online would not be resolved on a future occasion. It was also relevant to note that the re-listing of a 10 day hearing would be in 2027 and therefore the time lapse since the incidents would be over 5 years.
38. The Tribunal also took into account the fact that the Respondent's witnesses who were ready for this hearing would not be available on a further occasion due to relocation to New Zealand.
39. The Tribunal also considered it relevant to note that the Claimant had failed to comply with the orders to prepare for the hearing, most importantly by not providing a witness statement.
40. In conclusion the Tribunal found that the Claimant was not actively engaging in the litigation process and that delaying this hearing further would be prejudicial to the Respondent. It was also impossible to know when or indeed if, the Claimant would be able to participate in the hearing. Therefore any postponement would not lead to a guarantee of any further final hearing within a reasonable period. On that basis, the Tribunal concluded that the given all the circumstances, the appropriate course was to dismiss the claim.

Approved by:

Employment Judge Cowen

16 October 2025

JUDGMENT SENT TO THE PARTIES ON
20 October 2025

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Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision. If written reasons are provided they will be placed online.

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/