



EMPLOYMENT TRIBUNALS

Claimant: Tion-Jay Brown

Respondent: Oxford Summer Courses Limited

Heard at: Watford (via video)

On: 17 December 2025

Before: Employment Judge Russell

Representation

Claimant: Did not attend

Respondent: Mr R Bhatt, Counsel

JUDGMENT

The claim is dismissed under rule 47 of the Employment Tribunal Rules of Procedure 2024 as the Claimant has failed to attend or be represented at the hearing.

In the alternative, the claim is struck out under rule 38 of the Employment Tribunal Rules of Procedure 2024.

In deciding to dismiss the claim I considered the following:

1. The Claimant failed to attend this hearing and failed to provide any reasons for their non-attendance.
2. Under rule 47 if a party fails to attend or 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 shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.
3. The Claimant's email address and telephone number have been included on the claim form. The Claimant indicated on the claim form that they would be able to participate in a video hearing.
4. This is the third preliminary hearing in this claim. The first preliminary hearing was held on 20 May 2025. The Claimant attended. EJ Graham ordered that a further preliminary hearing be held on 12 August 2025 to consider two issues: (i) whether the claim should be struck out; and (ii) whether the Tribunal has jurisdiction to consider a complaint relating to communications with ACAS. In respect of the strike out application, this related to an email that was allegedly sent to the Claimant on 02 July 2024.

The Respondent doubts the authenticity of the email. The Claimant has provided a pdf copy of the email but not the original email to allow the Respondent to check its metadata. The Respondent asserts that its preliminary IT investigations suggest that the email is not authentic.

5. On 10 February 2025 the Claimant's then solicitor wrote to the Respondent's solicitor to say that their client had now gained access to the email address in question. At the preliminary hearing on 20 May 2025 the Claimant told the Tribunal that at some point between 10-12 February 2025 (during the course of litigation and when the Claimant had been made aware that the authenticity of the email was a central issue in dispute between the parties), the Claimant had deleted the relevant email account.
6. At the 20 May 2025 hearing the Claimant was ordered to provide a witness statement by 25 July 2025 addressing the preliminary issues that would be determined at a future preliminary hearing.
7. On 08 July 2025 the Claimant wrote to the Tribunal. The email included an attachment dated 08 July 2025 titled 'Claimant's response to ET CMO dated 20.05.2025'. This is not in the form of a witness statement and does not address the issue of the July 2024 email. The Claimant was not formally legally represented by this point. Their advisers notified the Tribunal on 02 May 2025 that they had ceased acting for the Claimant.
8. There was a second preliminary hearing held on 12 August 2025. The Claimant did not attend. The Claimant emailed the Tribunal at 16:51 on the afternoon before that hearing to request that the hearing be postponed as they were currently hospitalised. The hearing was postponed. EJ Palmer ordered the Claimant to provide written medical evidence of their hospitalisation by 26 August 2025. This evidence has not been provided. The Claimant was ordered to prepare a witness statement addressing the preliminary issues by 26 August 2025. The Claimant has not done so.
9. The Respondent's solicitor had emailed the Claimant on 04 September 2025 to remind them of the orders that had been made and the consequences of non-compliance.
10. Until 17 December 2025 neither the Tribunal nor the Respondent has had any communication from the Claimant since 11 August 2025 when they asked that the hearing on 12 August 2025 be postponed.
11. On 09 December 2025 EJ Hawksworth wrote to the Claimant to advise that she was considering striking out the claim due to: (i) the Claimant's failure to comply with the orders made at the hearings on 20 May 2025 and 12 August 2025; and (ii) that the claim has not actively been pursued. The Claimant was given a deadline of 16 December 2025 to raise any objections to this proposal.
12. This third hearing, to take place on 17 and 18 December 2025, was listed at the hearing on 12 August 2025. The dates of the hearing are set out in EJ Palmer's orders dated 13 August 2025 and sent to the parties on 21 August 2025.
13. A link for the parties to join the hearing was sent at 12:40 on 16 December

2025 to the email address provided by the Claimant on the claim form. At 09:56 on 17 December 2025 the Respondent's solicitor wrote to the Tribunal, copying in the Claimant, to advise that the PIN to access the hearing was not working. This was corrected and the parties were able to join the hearing at 10:10.

14. Tribunal staff have attempted to make enquiries with the Claimant including by telephone and email. The start of the hearing was delayed to 10:13 to allow initial enquiries to be made. I was informed at 10:10 that the Tribunal had emailed the Claimant but had not received a reply.
15. Having started the hearing at 10:13 to make enquiries of the Respondent, the hearing was adjourned at 10:17 to allow the Tribunal to make further enquiries with the Claimant.
16. The Claimant emailed the Tribunal at 10:38 on 17 December 2025 and cc'd the Respondent. The body of the email read: *The pin appeared not to be working. I had been trying to join since 9.55am without success and I would request the hearing be postponed since neither party are able to join.*
17. The Claimant was aware of the time and date of the hearing.
18. The Tribunal re-sent the joining instructions to the Claimant at 10:41 on 17 December 2025. At 10:42 the Respondent's solicitor emailed the Claimant. She said that the PIN was now working, that the Tribunal was taking a break, and that the Claimant should dial in at 10:45. The hearing resumed at 10:46. The Claimant was not present. The Respondent informed the Tribunal of its email correspondence that morning with the Claimant. A further break was held from 10:49 until 11:00.
19. At 10:54 the Respondent's solicitor emailed the Claimant again to say that the Tribunal was taking a further break until 11:00 to allow the Claimant to join.
20. The Tribunal resumed at 11:00. A further break was taken at 11:04 when I directed Tribunal staff to make further enquiries of the Claimant. I directed that an email should be sent to the Claimant to advise them that the hearing had been paused until 12 noon to allow them time to join. The Claimant was informed that if they did not join by 12 noon, the Tribunal may proceed in their absence. At 11:10 the clerk confirmed that this email had been sent to the Claimant.
21. The hearing resumed at 12 noon. The Claimant was not present. The Respondent advised me that the Respondent's solicitor had tried to contact the Claimant on a further two occasions by telephone at 11:12 and 11:17 when she left a voicemail. She received no reply.
22. I did not consider that it was proportionate or in accordance with the overriding objective to delay the start of proceedings further. The hearing had been delayed by two hours. The Tribunal had made all reasonable attempts to contact the Claimant. No explanation for the Claimant's non-attendance had been given.
23. I have considered carefully the Claimant's email to the Tribunal sent at

10:38 on 17 December 2025. While this email gives a reason as to why the Claimant was not ready to participate at 10:00, it does not explain why the Claimant has not actively pursued their claim, why they have failed to comply with the orders of EJ Graham and Palmer, and why they have not responded to EJ Hawksworth's letter of 09 December 2025.

24. It is also unclear why, when the Claimant had clearly received notice of the hearing and joining instructions, they had not contacted the Tribunal before 10:38 to explain their joining difficulties. They had access to email. Even if the Claimant had experienced technical difficulties with the video platform, this did not explain why they failed to inform the Tribunal of these difficulties (whether by telephone or email) at 10am when the hearing was due to start. It did not explain why they failed to reply to telephone calls or emails from the Tribunal and the Respondent over the course of the morning.
25. In all the circumstances, I considered it in accordance with the overriding objective to dismiss the claim under Rule 47.
26. In the alternative, the claim is struck out. By a letter dated 09 December 2025 the Tribunal gave the Claimant an opportunity by 16 December 2025 to make representations or to request a hearing, as to why the claim should not be struck out. The Claimant has failed to make representations as to why this should not be done or to request a hearing. The claim is therefore struck out for the following reasons: (i) without explanation the Claimant failed to attend the hearing listed on 17 December 2025 at 10:00; and (ii) the claim has not been actively pursued.

Approved by:

Employment Judge Russell

17 December 2025

JUDGMENT SENT TO THE PARTIES
ON

.23 December 2025.....

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FOR THE TRIBUNAL OFFICE

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/