**Reference number**
6004085-2024

# EMPLOYMENT TRIBUNALS

**London South Employment Tribunal**
**2 December 2025 (video)**

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| **Claimant:** | Marcelle James |
| **Respondent:** | Royal Mail Group Limited |
| **Before:** | Judge M Aspinall |
| **Appearances:** | No appearance by or for the Claimant<br>Miss M Brislen, Solicitor for Respondent |

# Judgment

1. The claim is dismissed under Rule 47(1) of the Employment Tribunal Rules of Procedure 2024.

2. The claim of disability discrimination is dismissed.

3. The claim of victimisation is dismissed.

4. The claim of constructive unfair dismissal is dismissed.

5. The respondent's application for an extension of time to present the ET3 response is granted.

# Reasons

**INTRODUCTION**

6. This was a preliminary hearing for case management listed to take place by video on 2 December 2025 at 2:00 PM. The claimant, Mr Marcelle James, did not attend. Miss Brislen of Weightmans Solicitors attended on behalf of the respondent. I proceeded with the hearing in the claimant's absence and dismissed the claim under Rule 47(1) of the Employment Tribunal Rules of Procedure 2024. I also granted the respondent's application for an extension of time to present the ET3 response. These are my reasons for those decisions.

**THE CLAIMS**

7. The claimant was employed by the respondent as a postman. His employment ended on 25 November 2024. He presents claims of disability discrimination, victimisation and constructive unfair dismissal. The claims relate to allegations that the respondent failed to make reasonable adjustments for his disability, discriminated against him on grounds of disability, victimised him for having raised grievances and complaints, and constructively dismissed him by fundamentally breaching his contract of employment.

## PROCEDURAL BACKGROUND

### The ET1 Claim Form

8. The claimant first submitted an ET1 claim form in July 2024. That claim form was rejected by the tribunal because Section 8.2 of the form, which requires the claimant to set out the background and details of his claim, was completely blank. Under Rule 12(1)(b) of the Employment Tribunal Rules of Procedure 2024, a claim may be rejected if it does not contain certain minimum information, and under Rule 13(1)(b), a claim may be rejected if it is in a form which cannot sensibly be responded to. The tribunal rejected the claim on that basis.

9. The claimant re-submitted his ET1 claim form and it was accepted by the tribunal on 25 October 2024. However, Section 8.2 remained blank. The tribunal accepted the claim on this occasion because the claimant had provided some additional documents and correspondence which gave some indication of the nature of his complaints, albeit in a disorganised and incomplete form.

10. The tribunal sent the accepted ET1 to the respondent by post. Unfortunately, the tribunal sent it to the Eltham and Lee Delivery Office, which is the local sorting office where the claimant worked. The claimant had put that address on his ET1 form as the respondent's address. The correct address for service of tribunal claims on the respondent is the respondent's Human Resources Service Centre, which has a dedicated email address for receiving employment tribunal claims. The tribunal should have used that address, which was on the tribunal's records. I apologise on behalf of the tribunal for that administrative error.

11. As a result of being sent to the wrong address, the ET1 did not reach the respondent's legal team immediately. The respondent is a large national organisation employing over 130,000 people across the United Kingdom. Post sent to a local sorting office does not automatically or quickly reach the national Human Resources Service Centre. The respondent eventually received the claim, but by a circuitous route and with some delay.

### The Respondent's Extension of Time Application

12. On 19 December 2024, the respondent received a Rule 21 notice from the tribunal warning that if no response was received, judgment might be issued against the respondent. The respondent immediately contacted the tribunal on 20 December 2024 and filed an ET3 response on the same day. The respondent also applied for an extension of time to file the ET3, explaining that the claim had been sent to the wrong address and had only just come to the attention of the legal team. That application was listed to be determined at today's hearing.

13. At the hearing, I granted the respondent's application. The claim was sent to the wrong address through no fault of the respondent, due to the tribunal's administrative error. The respondent acted with commendable promptness once it became aware of the claim, filing the ET3 on the same day it received the Rule 21 notice. It would not be in the interests of justice to enter default judgment against the respondent in those circumstances. Although I have dismissed the claimant's claim today for the reasons I set out below, it was necessary for me to determine this application because the dismissal was discretionary and it was not inevitable that I would dismiss the claim.

**Case Management Orders**

14. On 4 March 2025, the tribunal sent a Notice of Preliminary Hearing to both parties. The notice stated that a preliminary hearing for case management would take place on 2 December 2025 at 2:00 PM by video. The hearing was listed to deal with case management, to consider the respondent's application for an extension of time to file the ET3, and to give directions to prepare the case for a final hearing.

15. The same notice contained case management orders. Those orders directed the claimant to provide, by 22 April 2025, the following documents and information. First, GP medical records and prescription records from 1 July 2023 to 30 November 2024. This was because the respondent does not accept that the claimant was a disabled person within the meaning of the Equality Act 2010 at the material time, and medical evidence was required to determine that issue. Second, a schedule of loss setting out the financial compensation claimed and how it is calculated. Third, clarification of the allegations being made, including what acts of discrimination are alleged, when they occurred, who was responsible, what reasonable adjustments were requested and refused, and what the fundamental breach of contract for the purposes of the constructive dismissal claim was said to be.

16. The claimant has not complied with any of those orders. No GP records have been provided. No prescription records have been provided. No proper schedule of loss has been provided. No clarification of the allegations has been provided. The respondent wrote to the claimant on 26 June 2025 requesting compliance with the orders. There was no response. The tribunal has sent reminders. There has been no response. The claimant has ignored the tribunal's orders for over seven months.

**Notice of Today's Hearing**

17. Notice of today's hearing was sent to both parties on 4 March 2025, giving the claimant nine months' notice. Miss Brislen informed me that the respondent also sent a copy of the Notice of Hearing to the claimant in May 2025 as a matter of prudence. On 25 November 2025, the respondent sent the claimant a bundle of documents for today's hearing containing all the documents that had been filed in the case. The claimant was therefore aware, as recently as last week, that the hearing was proceeding and that his attendance was required.

**The Postponement Application**

18. On 1 December 2025 at 2:56 PM, the claimant sent an email to the tribunal. The hearing was due to take place the following day at 2:00 PM. The email stated, in full: "Hi, unfortunately, I can't do it, as I have to work." There was no explanation of why the claimant had to work, why he could not arrange time off, or why he had not made such arrangements during the nine months since receiving notice of the hearing. There was no evidence of any kind to support the application.

19. I considered that email on the morning of 2 December 2025. I treated it as an application to postpone the hearing. I refused the application. I sent the following response to the claimant by email at 11:07 AM, some two hours and 53 minutes before the hearing was due to begin.

20. I informed the claimant that I had considered his email and treated it as an application to

postpone the hearing. I stated that the application was refused for the following reasons. First, the Notice of Preliminary Hearing was sent to him on 4 March 2025, and he had had nine months to arrange time off work to attend. Second, under Rule 32 of the Employment Tribunal Rules of Procedure 2024, postponements applied for less than seven days before a hearing are only granted in exceptional circumstances, and work commitments are not generally considered to be exceptional circumstances. Third, he had provided no evidence of exceptional circumstances that would prevent his attendance.

21. I directed that if he did have evidence of genuinely exceptional circumstances preventing attendance, he must provide it to the tribunal immediately and in any event before 2:00 PM that day. I warned him that if he failed to attend, I might use the tribunal's powers under Rule 47 to dismiss his claim entirely or to proceed with the case management hearing in his absence. I also warned him that under Rule 74(2)(c), the tribunal must consider making a costs order against him where a hearing is postponed or adjourned on the application of a party made less than seven days before the hearing begins.

22. The claimant did not reply to that email. He did not provide any evidence of exceptional circumstances. He did not attend the hearing.

## THE HEARING ON 2 DECEMBER 2025

23. At 2:00 PM on 2 December 2025, I convened the hearing by video. Miss Brislen attended on behalf of the respondent. The claimant did not attend. I waited until 2:12 PM to allow for any technical difficulties in joining the video hearing. The claimant did not join. There was no communication from him.

24. Miss Brislen confirmed that the respondent had sent a copy of the Notice of Hearing to the claimant in May 2025 and had sent the hearing bundle to the claimant on 25 November 2025. She submitted that the hearing could not sensibly proceed in the claimant's absence for the purposes of case management, because the respondent did not know what claims were being pursued. She submitted that the ET1 form was blank in its crucial section, that no proper particulars of claim had been provided, and that the respondent had no way of knowing what allegations it was required to meet. She submitted that it would be a waste of the tribunal's time and resources to adjourn the hearing when the claimant had shown no inclination to engage with the tribunal's process. She submitted that the appropriate course was to dismiss the claim under Rule 47.

25. I considered the matter carefully. I considered all the circumstances of the case, including the history of the proceedings, the claimant's failure to comply with case management orders, the deficiencies in the claim as presented, the claimant's failure to attend the hearing, and the interests of justice. I concluded that the claim should be dismissed under Rule 47(1). I considered whether to proceed with the hearing in the claimant's absence, but concluded that this was not appropriate because the claim is in a form which cannot sensibly be responded to, and a fair trial is not possible.

## THE LAW

### Rule 47 - Dismissal for non-attendance

26. Rule 47(1) of the Employment Tribunal Rules of Procedure 2024 provides: "If a party fails to attend or to 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 must consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence."

27. The rule gives the tribunal a discretion. The discretion must be exercised judicially, considering all the circumstances of the case and the interests of justice.

28. In Cooke v Glenrose Fish Company Ltd [2004] IRLR 866, the Employment Appeal Tribunal set out the principles applicable to the exercise of the discretion under Rule 47. The tribunal must consider all the circumstances, including the reason for the party's non-attendance, whether the non-attendance was deliberate, the history of the proceedings, the prospects of the claim succeeding if it were allowed to proceed, and the balance of prejudice between the parties. The tribunal must apply the overriding objective and must consider whether dismissal is a proportionate response to the party's failure to attend.

29. The Cooke case also established that a tribunal should consider whether to make further enquiries before dismissing a claim, particularly where there are solicitors on the record. While there is no absolute requirement that a tribunal must telephone an absent party in every case, the tribunal must consider whether to do so and must enquire of the represented party what information is available about the absent party's intentions and reasons for absence.

30. Rule 32 provides that applications for postponement made less than seven days before a hearing will only be granted in exceptional circumstances. In considering whether to grant such an application, the tribunal must have regard to the overriding objective and all the circumstances, including the reasons for the lateness of the application and any prejudice to the parties.

**The overriding objective**

31. Rule 3 of the Employment Tribunal Rules of Procedure 2024 sets out the overriding objective. Rule 3(1) provides: "The overriding objective of these Rules is to enable tribunals to deal with cases fairly and justly." Rule 3(2) provides that dealing with a case fairly and justly includes, so far as practicable, ensuring that the parties are on an equal footing, dealing with cases in ways which are proportionate to the complexity and importance of the issues, avoiding unnecessary formality and seeking flexibility in the proceedings, avoiding delay so far as compatible with proper consideration of the issues, and saving expense.

**Strike out for persistent non-compliance**

32. Where a party has persistently failed to comply with tribunal orders, the tribunal may strike out the claim under Rule 38. In Blockbuster Entertainment Ltd v James [2006] EWCA Civ 684, the Court of Appeal held that strike out for persistent non-compliance is an appropriate sanction where the party has been given adequate opportunity to comply and has been warned of the consequences. The Court held that the tribunal must consider whether a fair trial is still possible and whether strike out is a proportionate response. In Weir Valves & Controls (UK) Ltd v Armitage [2004] ICR 371, the EAT held that where a party has been given a clear order with a clear deadline and has been warned that failure to comply will result in strike out, the tribunal is entitled to strike out the claim if the party fails to comply without good reason.

33. Whilst Blockbuster and Weir Valves concern strike out under Rule 38 rather than dismissal under Rule 47, the principles regarding persistent non-compliance with clear tribunal orders are equally applicable where a tribunal is considering dismissal for non-attendance in the context of a claim characterised by sustained failure to engage with the tribunal's processes.

**Article 6 ECHR and the right of access to justice**

34. The right of access to justice under Article 6 of the European Convention on Human Rights is important but not absolute. In Teinaz v Wandsworth London Borough Council [2002] EWCA Civ 1040, [2002] ICR 1471, the Court of Appeal considered the approach tribunals should take when a party fails to attend a hearing. The Court emphasised that whilst tribunals must be cautious about dismissing claims for non-attendance, dismissal may be appropriate and proportionate where a party has failed to provide a satisfactory explanation for absence, particularly where the party has been given adequate notice and opportunity to attend.

35. In Teinaz, Peter Gibson LJ stated that "a litigant whose presence is needed for the fair trial of a case, but who is unable to be present through no fault of his own, will usually have to be granted an adjournment, however inconvenient it may be to the tribunal or court and to the other parties." However, he also stated that "the tribunal or court is entitled to be satisfied that the inability of the litigant to be present is genuine, and the onus is on the applicant for an adjournment to prove the need for such an adjournment."

36. The Court of Appeal in Teinaz also recognised that where a tribunal has doubts about whether evidence of inability to attend is genuine or sufficient, the tribunal has a discretion to give directions to enable those doubts to be resolved. However, that case involved a medical certificate from a doctor advising the claimant not to attend on health grounds. The present case is entirely different. Here, the claimant has provided no medical evidence and has given only the bare statement that he has to work, without any explanation of why he could not have arranged time off during the nine months' notice he had of the hearing.

37. Rules requiring parties to comply with procedural requirements and case management orders are a legitimate means of ensuring that litigation is conducted fairly and efficiently, and dismissal for non-compliance is proportionate where the party has been given adequate opportunity to comply and has been warned of the consequences.

**MY FINDINGS AND CONCLUSIONS**

**The Claimant's Non-Attendance**

38. The claimant did not attend the hearing. He applied to postpone less than 24 hours before it was due to begin. His reason was that he had to work. That is not a satisfactory reason. Employment tribunal hearings are listed months in advance precisely so that parties can plan to attend. A claimant who has nine months' notice has ample time to arrange time off work, to request annual leave, to swap shifts, or to make whatever other arrangements are necessary. The claimant made no such arrangements. He simply informed the tribunal, at the last possible moment, that he could not attend.

39. I refused the postponement application for the reasons I have set out. I gave the claimant a further opportunity to provide evidence of exceptional circumstances. I warned him in

clear terms that if he did not attend, I might dismiss his claim. The claimant did not respond. He did not provide any evidence. He did not attend the hearing.

40. I am satisfied that the claimant's non-attendance was a deliberate choice. He was aware of the hearing. He was warned of the consequences. He chose not to attend. Applying the principles in Cooke v Glenrose Fish Company Ltd, I find that the claimant's non-attendance without good reason weighs significantly in favour of dismissal under Rule 47.

**Enquiries before dismissal**

41. In the present case, the claimant is not represented by solicitors. I considered whether to attempt to telephone the claimant before making my decision. However, I decided against doing so. First, the claimant had sent an email less than 24 hours before the hearing stating that he could not attend because he had to work. That email demonstrated that he was aware of the hearing and had made a deliberate decision not to attend. Second, I had responded to that email on the morning of the hearing, warning the claimant of the consequences and giving him the opportunity to provide evidence of exceptional circumstances. He had not responded. Third, the claimant had shown no inclination to engage with the tribunal's processes over the preceding seven months. In those circumstances, a telephone call was unlikely to elicit any useful information or lead to the claimant attending the hearing.

42. I asked Miss Brislen whether the respondent had any information about the claimant's intentions or reasons for absence. She confirmed that the respondent had sent the hearing bundle to the claimant on 25 November 2025 and had received no response. The respondent had no information to suggest that the claimant intended to attend or had any genuine reason for being unable to attend beyond the bare statement that he had to work.

**The History of the Proceedings**

43. The claimant's non-attendance must be considered in context. This is not a case where an otherwise diligent claimant has, for good reason, been unable to attend a single hearing. This is a case where the claimant has, from the outset, failed to engage properly with the tribunal's processes.

44. The claimant's ET1 claim form was blank in Section 8.2. The tribunal rejected the claim because it could not sensibly be responded to. The claimant re-submitted the claim, but Section 8.2 remained blank. The tribunal accepted the claim on the second occasion only because the claimant had provided some additional documents which gave a vague indication of the nature of his complaints.

45. To this day, the claimant has not provided a coherent statement of his case. The respondent does not know what specific acts of discrimination are alleged, when those acts are said to have occurred, who is said to be responsible, what reasonable adjustments the claimant says he requested, what reasonable adjustments he says should have been made, or what the fundamental breach of contract is said to have been for the purposes of the constructive dismissal claim.

46. These are fundamental deficiencies that go to the heart of the claim. A respondent cannot sensibly defend a claim of discrimination if it does not know what acts of discrimination are alleged. The tribunal cannot case-manage a claim if it does not know what the issues are. A final hearing cannot take place if the issues have not been identified and the

evidence has not been prepared.

47. The claimant was ordered on 4 March 2025 to provide further information and clarification, with a deadline of 22 April 2025. He has not complied. He has not provided the information. He has not clarified the allegations. He has not responded to the respondent's requests for clarification. He has not responded to the tribunal's reminders.

48. The claimant was also ordered to provide medical evidence. He has provided a psychiatric diagnosis from July 2015, which is now over nine years old and relates to a period long before the events of which he complains. He has provided an impact statement dated May 2025 and evidence of receipt of Personal Independence Payment. But he has not provided GP records or prescription records from the material period of his employment, which would show what diagnoses were made, what treatment was provided, and what the impact of his condition was during the period when he was employed by the respondent.

49. The claimant was also ordered to provide a schedule of loss. He has not done so.

50. In summary, the claimant has failed to comply with any of the tribunal's case management orders. Applying the principles in Blockbuster Entertainment Ltd v James and Weir Valves & Controls (UK) Ltd v Armitage, I find that the claimant's persistent and deliberate failure to comply with clear tribunal orders over a period of more than seven months weighs significantly in favour of dismissal.

**The Deficiencies in the Claim**

51. The ET1 claim form is blank in its crucial section. The claimant has not provided proper particulars of his claim despite being ordered to do so. The claim, as it stands, cannot sensibly be responded to.

52. A claim of discrimination under the Equality Act 2010 must identify the protected characteristic relied upon, the type of discrimination alleged, the specific acts that are said to constitute discrimination, when those acts occurred, and who was responsible for them. A claim of failure to make reasonable adjustments must identify the provision, criterion or practice applied by the respondent, the disadvantage caused to the claimant, and the adjustment that should have been made. A claim of victimisation must identify the protected act and the detriment suffered. A claim of constructive dismissal must identify the term of the contract that was breached, how it was breached, and why that breach was fundamental.

53. The claimant's claim identifies none of these things. It is not simply that the claim is poorly particularised. It is that the claim provides no particulars at all. The additional documents provided by the claimant consist of emails, grievance correspondence, and Occupational Health reports, but these do not set out a coherent case.

54. I am satisfied that the claim, as presented, cannot proceed to a final hearing. Applying the principles in Cooke v Glenrose Fish Company Ltd, I must consider the prospects of the claim succeeding if it were allowed to proceed. I find that those prospects are minimal. The claim cannot succeed if the claimant cannot identify what acts of discrimination are alleged or what reasonable adjustments should have been made. The respondent cannot be expected to defend itself against unparticularised allegations. A fair trial is not possible in these circumstances.

**Prospects of Compliance**

55. I have considered whether, if I were to adjourn today's hearing and give the claimant further time and further orders to remedy the deficiencies in his claim, there is any realistic prospect that he would comply.

56. I am satisfied that there is not. The claimant has had over seven months to comply with the orders made on 4 March 2025. He has not done so. He has not provided any of the information or documents ordered. He has not responded to the respondent's requests. He has not responded to the tribunal's reminders. He has not attended today's hearing despite being warned that his claim might be dismissed.

57. There is no indication that the claimant intends to comply with the tribunal's orders or to pursue his claim properly. Giving him further time would simply prolong the proceedings without any realistic prospect of the claim being put into a form where it can proceed to a hearing.

**The Overriding Objective**

58. I must apply the overriding objective when exercising my powers under Rule 47.

59. Ensuring that the parties are on an equal footing: The parties are not on an equal footing in this case. The respondent has engaged with the tribunal's processes and is ready to proceed. The claimant has filed a blank ET1 and has not complied with any of the tribunal's orders. Allowing the claim to continue would place an unfair burden on the respondent to defend a claim that the claimant is not pursuing properly.

60. Dealing with cases proportionately: The resources required to keep this claim alive would be disproportionate. It would require further case management hearings, a preliminary hearing on disability status, and yet further orders for particulars which the claimant has shown he will not comply with.

61. Avoiding delay: This claim relates to events that occurred between July 2023 and November 2024. It is now December 2025. The claim has already been significantly delayed by the claimant's failures. Further delay would not be compatible with proper consideration of the issues.

62. Saving expense: Keeping this claim alive would generate further expense for both the respondent and the tribunal that is not justified when the claimant has failed to engage with the tribunal's processes.

**The Interests of Justice and Balancing the Parties' Rights**

63. I have considered whether it is in the interests of justice to allow this claim to continue. The respondent has a right to know what case it has to meet and to have the matter determined within a reasonable time. The claimant has a right to pursue his claim, but that right is not absolute and must be exercised in accordance with the tribunal's rules and orders.

64. The claimant has had every opportunity to pursue his claim properly. He has been given clear warnings about the consequences of non-compliance and non-attendance. He has chosen not to comply and not to attend.

65. The respondent is entitled to know what case it has to meet. It cannot do so when the claim is in a form which cannot sensibly be responded to. As stated in Cooke v Glenrose Fish Company Ltd, the balance of prejudice favours the respondent. The respondent has been unable to prepare a proper defence. It has been put to expense preparing for hearings. It has been kept in uncertainty for over a year.

66. The tribunal's resources are finite. There are many claims waiting to be heard. It is not in the interests of justice to allow this claim to continue to occupy the tribunal's time and resources when the claimant has shown no inclination to pursue it properly.

**The Claimant's Right of Access to Justice**

67. I have considered the claimant's right of access to justice under Article 6 ECHR. That right is important but not absolute. Applying the principles in Teinaz v Wandsworth London Borough Council, I am satisfied that whilst I must be cautious about dismissing the claim for non-attendance, dismissal is appropriate and proportionate in this case.

68. The Teinaz case involved very different circumstances. In that case, the claimant had provided medical evidence from a qualified doctor advising him not to attend the hearing on health grounds. The Court of Appeal held that it was unfair to criticise a litigant for not attending when a doctor had so advised.

69. The present case is entirely different. The claimant has provided no medical evidence. He has given only the bare statement that he has to work. Unlike the claimant in Teinaz, this claimant has made a deliberate choice to prioritise work commitments over his legal obligations. The principles in Teinaz do not assist him.

70. The claimant has had every opportunity to exercise his right of access to justice. He has been able to bring his claim, been given time to particularise it, been given orders designed to help him prepare it for a final hearing, and been given nine months' notice of today's hearing. He has been warned of the consequences of non-attendance. He has chosen not to take those opportunities. The dismissal of his claim in these circumstances is a proportionate response and does not amount to a breach of Article 6.

**Disability**

71. I note that the claimant asserts that he is a disabled person within the meaning of the Equality Act 2010. He relies on mental health conditions including recurrent depressive disorder, adjustment disorder, and emotionally unstable personality disorder. I have considered whether his disability might explain or excuse his non-compliance and non-attendance.

72. I recognise that mental health conditions can affect different aspects of a person's functioning in different ways, and that a person may be able to undertake some activities whilst finding others more difficult. I have therefore considered this question with care.

73. However, I am not satisfied that the claimant's disability explains or excuses his non-compliance or non-attendance. The claimant has been able to bring his claim and communicate with the tribunal by email. He applied for a postponement yesterday. He stated that he had to work, which suggests he is currently well enough to work and can plan his time accordingly.

74. More significantly, the claimant has not at any stage suggested that his disability prevents him from complying with tribunal orders or attending hearings. He has not requested any reasonable adjustments. He has not asked for additional time, assistance in preparing documents, orders in simplified form, or permission to have a support person attend with him. The only communication from him has been the bare statement that he "has to work," which makes no reference to his disability.

75. I have considered whether there are reasonable adjustments or case management interventions that the tribunal could or should have made of its own initiative. The hearing was listed by video, which is generally more accessible than an in-person hearing. The case management orders were clear and gave substantial time for compliance. The orders themselves were straightforward: provide GP records, provide a schedule of loss, and clarify what allegations are being made. The tribunal sent reminders. The respondent wrote requesting compliance and offering to discuss any difficulties. The claimant did not respond.

76. I have considered whether more active or interventionist case management could have assisted the claimant. However, the fundamental requirement is for the claimant to provide basic information about what his claim is. Without that information, no amount of case management can advance the claim. The tribunal cannot formulate the claimant's case for him. The claimant must, at minimum, identify what his complaints are.

77. Furthermore, if the claimant's disability does in fact prevent him from engaging with the tribunal's processes even with reasonable adjustments, then there would be no fair and workable way for the claim to proceed to a final hearing. A final hearing requires the claimant to give evidence, to be cross-examined, and to present his case. If he cannot do those things, the claim cannot proceed.

78. I am satisfied that the claimant's disability does not explain or excuse his failures, and that there are no further adjustments or case management interventions that would realistically enable him to pursue his claim.

**CONCLUSION**

79. For all the reasons I have set out, and applying the principles in the authorities to which I have referred, I am satisfied that it is appropriate to dismiss this claim under Rule 47(1) of the Employment Tribunal Rules of Procedure 2024.

80. The claimant has not attended a hearing of which he had nine months' notice. He has provided no acceptable reason for his non-attendance. He has been warned of the consequences and has chosen not to attend.

81. His non-attendance must be seen in the context of his persistent failure to engage with the tribunal's processes. He has filed a blank ET1. He has failed to comply with case management orders for over seven months. He has failed to particularise his claim. He has failed to provide medical evidence. He has failed to provide a schedule of loss.

82. The claim, as it stands, cannot sensibly be responded to and cannot proceed to a final hearing. There is no realistic prospect of the claimant complying with further orders to remedy the deficiencies in his claim. A fair trial is not possible in these circumstances.

83. It is not in the interests of justice, and it is not consistent with the overriding objective, to

allow this claim to continue. The dismissal is a proportionate response to the claimant's persistent and deliberate failures. The balance of prejudice favours the respondent. The respondent is entitled to have the matter determined and to be released from the uncertainty and expense of defending an unparticularised claim.

**APPROVED**
**Judge M Aspinall**
**2 December 2025**