



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr L V Brown

**Respondent:** Mr A Barclay-White

**Heard at:** Croydon (via CVP) **On:** 5 March 2026

**Before:** Employment Judge Leith

## Representation

**Claimant:** No attendance or representation

**Respondent:** Ms Miller (Counsel)

# JUDGMENT

1. The claim is dismissed.

# REASONS

1. The Claimant brings complaints of unfair dismissal, wrongful dismissal, unauthorised deduction from wages, and failure to pay accrued but untaken annual leave. I dismissed the claim, for the reasons I gave orally. At the conclusion of my oral judgment, the Respondent requested written reasons, which are therefore set out below.

## Law

2. Rule 47 of the Employment Tribunal Rules of Procedure deals with non-attendance at a hearing. It provides as follows:

### **47. Non-attendance**

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.

3. When considering whether to exercise the power in rule 47, the Tribunal must always bear in mind the overriding objective, set out in rule 3:

### **3. Overriding objective**

- (1) The overriding objective of these Rules is to enable the Tribunal to deal with cases fairly and justly.

- (2) Dealing with a case fairly and justly includes, so far as practicable—
  - (a) ensuring that the parties are on an equal footing,
  - (b) dealing with cases in ways which are proportionate to the complexity and importance of the issues,
  - (c) avoiding unnecessary formality and seeking flexibility in the proceedings,
  - (d) avoiding delay, so far as compatible with proper consideration of the issues, and
  - (e) saving expense.
- (3) The Tribunal must seek to give effect to the overriding objective when it—
  - (a) exercises any power under these Rules, or
  - (b) interprets any rule or practice direction.
- (4) The parties and their representatives must—
  - (a) assist the Tribunal to further the overriding objective, and
  - (b) co-operate generally with each other and with the Tribunal.

#### Background

- 4. The Claim was presented on 15 August 2025. It was served on the Respondent on 20 August 2025, along with a notice of this hearing, and standard Case Management Orders to prepare for this hearing.
- 5. The Respondent presented a response in time, defending the claim.
- 6. It appears from the correspondence on the Tribunal file that thereafter, neither party complied in full with the Case Management Orders. Some correspondence between the parties, which could be described as intemperate in tone on the part of the Claimant, was copied to the Tribunal. This led to Legal Officer Nazareth writing to the parties reminding them not to copy interpartes communication to the Tribunal, and reminding them of their duty to cooperate. LO Nazareth's letter also reminded the parties of the requirement to copy any correspondence sent to the Tribunal to the other party.
- 7. On 2 March 2026, the Claimant emailed the Tribunal (not copied to Respondent). The subject line of the email was "URGENT - Case Number: 2307241/2025 - ECCN - R233760/25/75 - Court Hearing 5 March 2026, 6 March 2026". The email said this:

"To Whom it may concern

I will shortly be submitting the drunken. befuddled communications from Mr Adam Barclay White

However , unfortunately , i am working on a construction project in indonesia on the 5th March 2026

If it is possible to arrange a zoom or team video call for 10 am UK .

Personality, i do not want to be in the same room as my uncle adam barclay white , i blame him for losing vast generational wealth . I don't think i could control my anger.

Best to have him breath tested before the hearing.

Regards

luke vincent brown”

8. This was not the first time that the Claimant had made allegations of alcohol abuse or alcohol dependency against the Respondent in correspondence. I should stress that I have seen no evidence to substantiate such allegations (or indeed any of the personal allegations the Claimant made against the Respondent).
9. The hearing was already listed to take place via CVP. On 4 March 2026, the Tribunal responded to the Claimant noting that individuals in Indonesia can voluntarily give evidence in Indonesia by video link in UK civil, commercial and administrative tribunals. The email noted that the hearing would go ahead on the listed dates via CVP.
10. The Claimant did not join the hearing at the listed start time (10am). He had not provided the Tribunal with a contact telephone number. My clerk emailed him using the contact details he had provided to the Tribunal, but received no reply.
11. I waited until 10.40am (some 40 minutes after the listed start time of the hearing). By that time the Claimant had neither joined the hearing nor contacted the Tribunal to explain that he was having any difficulty joining.

#### Conclusions

12. In deciding how to approach the Claimant’s non-attendance, I took into account the following factors:
  - a. The Claimant’s apparent failure to comply with the Tribunal’s Case Management Orders. Of course there had been non-compliance on both sides – but the first order which fell due was one for the Claimant alone, and it is the Claimant’s claim.
  - b. The Claimant’s email of 2 March 2026, about which I make the following observations:
    - i. Given that the hearing had been listed since August 2025, it is surprising that he had not thought about how he intended to attend it (given that he is currently in Indonesia) until some three days before it was due to begin.
    - ii. I read the email as being somewhat ambivalent about whether the Claimant actually intended to attend the hearing at all, given the tone of the email generally, the off-hand reference to Zoom or Teams, and the reference to not wanting to be in the same room as the Respondent.
    - iii. It is notable also that despite having been reminded by LO Nazareth of the requirement to copy all emails to the Tribunal to the Respondent, he failed to do so.
  - c. The bizarre, contradictory and at times abusive content of the interpartes correspondence I have had sight of. By way of example:
    - i. The email of 22 February 2026, in which the Claimant said to the Respondent “You were never my employer”.
    - ii. The email of 25 February 2026, in which the Claimant referred to the Respondent as a “washed up alcoholic abuser” and said “you know I play dirty, you deserve everything that you about to receive”.
    - iii. The email of 26 February 2026, in which he referred to the Respondent’s case in this litigation as “Another example of your social disease that is incoherent, befuddled and fueled by regret that cost vast generational wealth”, and said that he “looking forward to exposing [the Respondent]”.

13. Taking as a whole, I considered that none of the Claimant's conduct was consistent with a party who was engaging with the litigation process in the way that the Rules and the Tribunals' Orders required him to do. I regarded the Claimant's failure to attend the hearing as simply a continuation of that pattern.
14. In the circumstances, I therefore concluded that it was in the interests of justice that I exercise the power in rule 47 to dismiss the claim upon the Claimant's non-attendance at the hearing.

Approved by:

Employment Judge Leith

Date: 5 March 2026

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>