Case Number: 6017876/2025

EMPLOYMENT TRIBUNALS

Claimant		**Respondent**
Mr R Golding	v	London Underground Limited

Heard at: Watford, via Cloud Video Platform ("CVP") **On**: 28 April 2026

Before: Employment Judge Hyams, sitting alone

Appearances:

For the claimant: Not present or represented
For the respondent: Ms Louise Whittington, of counsel

JUDGMENT

1. The respondent's name is changed from "London Underground" to "London Underground Limited".

2. The claimant's claims with the above case number (they are of unfair dismissal and that his dismissal was "discriminatory under the Equality Act 2010") are dismissed under rule 47 of the Employment Tribunal Procedure Rules 2024.

REASONS

1 The claimant was not represented but had stated in the ET1 claim form (1) an apparently potentially viable claim of unfair dismissal and (2) that his dismissal was "discriminatory under the Equality Act 2010". However, the respondent's grounds of resistance, if they were accurate, showed that the respondent had followed a lengthy procedure and taken a number of steps with a view to enabling

the claimant to return to work on a sustained basis before deciding that he should be dismissed because (1) he was himself saying that he was not fit for work and (2) the respondent had received occupational health advice that the claimant would not be fit to carry out his "role for the foreseeable future".

2 The grounds of resistance also stated that the correct name of the respondent was London Underground Limited, and not, as stated in the ET1 claim form, "London Underground". I decided that the name of the respondent should be changed accordingly and have recorded that as paragraph 1 of my above judgment.

3 I saw that the claimant had written, at the bottom of box 9.2 on page 8 of the claim form, that he was seeking:

> "Future loss of earnings, as I have been medically retired and am unable to return to employment. I request the Tribunal to assess a fair amount to reflect my long-term financial disadvantage compared to mv former salary."

4 The claimant was not present in the CVP lobby at 10am, when I was ready to start the hearing. Ms Whittington was present there for the respondent, I could see, and I decided to give the claimant 5 minutes to attend, or contact the tribunal to say that he was having difficulty attending. I could see that the claimant had ticked the box on the first page of the ET1 claim form to say that he could take in part in telephone hearings, and that he had <u>not</u> ticked the box just above it to say that he could "take part in video hearings". However, notice of the hearing via CVP was sent by the tribunal to the claimant on 26 September 2025 and he had not contacted the tribunal to say that he would not be able to attend the hearing.

5 The claimant had still not attended the hearing by 10:05, so I started the hearing and asked Ms Whittington whether her instructing solicitors had heard from the claimant. She said that it appeared not but that she would make inquiries and I adjourned the hearing to 10:30 also to allow time for the tribunal's clerk to contact the claimant by telephone on the number given by him on the claim form, to ask him whether he was intending to attend the hearing. The clerk did that and told me that she had got through three times but that the claimant had immediately cut the call.

6 At 10:30, I resumed the hearing. Ms Whittington said that her instructing solicitors, Eversheds, had received no communications from the claimant at all in relation to the hearing. Ms Whittington said that the solicitors had sent the agenda, draft list of issues and hearing bundle to the claimant the day before by email to the email address shown on the claim form, but he had not responded.

7 In those circumstances, rule 47 of the Employment Tribunal Procedure Rules 2024 applied. That 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."

8 I decided that the claim should be dismissed on the basis that it appeared that the claimant was not pressing it and because it was in my view in the interests of justice to dismiss it.

9 I record here by way of observation only that I would have come to that conclusion irrespective of the merits of the claim, but that it did seem to me that the claim that there had been a failure to make a reasonable adjustment was undermined by the fact that the claimant was "medically retired" because of incapacity. In addition, so also by way of observation only, the grounds of resistance suggested, as I record in paragraph 1 above, that a number of steps had been taken by the respondent with a view to enabling the claimant to remain in employment before the decision was taken that he should be dismissed.

Approved by Employment Judge Hyams

On 28 April 2026

JUDGMENT SENT TO THE PARTIES ON

30 May 2026

FOR THE TRIBUNAL OFFICE