



EMPLOYMENT TRIBUNALS

Claimant: Daniel Arthur

Respondent: Newbold Solicitors Limited

Heard at: Wales (in public)

On: 1 June 2026

Before: Employment Judge Shotter

REPRESENTATION:

Claimant: Not in attendance

Respondent: Mr Thompson (Solicitor)

JUDGMENT

The Judgment of the Tribunal is:

1. The claim of unlawful disability discrimination is struck out under Employment Tribunal Rule 38(1) (b), (c), (d) and (e) of the Employment Tribunal Procedures Rules 2024 because the manner in which the proceedings have been conducted has been scandalous, unreasonable or vexatious, the claimant has not complied with the Tribunal Rules or Tribunal order, the claim has not been actively pursued and it is no longer possible to have a fair hearing in respect of it.

SUMMARY REASONS

1. These are Summary Reasons reflecting the oral judgment given at the hearing today.

2. The claimant was not in attendance and we started late after the Tribunal clerk tried to ring the claimant and left a message. The claimant did not respond.
3. During the hearing Mr Thompson provided the Tribunal with evidence from the claimant's social medial account and Linked In from which I was satisfied that the claimant had been and was working as a conveyancer for at least two firms of solicitors and had spoken to a recruiter before reposting a comment made by the recruiter. Mr Thompson satisfied me that the claimant was working and also involved in a club as a leader, and on the face of this evidence there was nothing to prevent the claimant from complying with case management orders and responding to the Tribunal's communications.
4. This case has a long and protracted history of non-compliance by the claimant ignoring Tribunal orders and correspondence.

History

5. Following ACAS Early Conciliation between 19 February and 23 April 2025 the claimant's claim form was received on 8 May 2025. The unfair dismissal complaint was dismissed in a Judgment sent to the parties on the 4 September 2025.
6. A preliminary hearing took place on the 14 January 2026 attended by the claimant and respondent's director, Mr Thompson. Several case management orders were made by agreement, and compliance was necessary in order that the case was ready for the trial listed to start today on the 1 May 2026, with consent of the parties.
7. The claimant relies on bipolar disorder, and disability is disputed. The claimant was ordered to send to the respondent an impact statement and medical records no later than 25 February 2026 in anticipation of the final hearing listed over 4 days starting on the 1 June 2026. This information has never been provided.
8. The claimant has not complied with any of the case management orders which has resulted in the final hearing being taken out of the list. It has not been re-listed.
9. On the 12 February 2026, the claimant submitted a comprehensive schedule of loss making a number of claims including personal injury and aggravated damages. The statement of truth was dated 10 February 2025.

10. On the 13 January 2026, the Tribunal rejected the respondent's response because it had not been presented correctly. Time was extended and the response accepted at a preliminary hearing held on the 14 January 2026.
11. On the 9 March 2026, the claimant was ordered by the Tribunal to confirm whether he had complied with the disability directions "by return." The claimant did not respond.
12. On the 25 March 2026, the Tribunal ordered the claimant to provide an "urgent response" to the 9 March 2026 letter and a copy was attached. The claimant did not respond.
13. On 5 May 2026, the respondent applied to strike out the claimant's claims for non-compliance with case management orders and Tribunal correspondence.
14. On the 14 May 2026, the Tribunal sent the claimant a strike out warning because he had not complied with the Order of the Tribunal dated 25 February 2026 and directions of 9 March 2026. The claimant was given to 21 May 2026 to object. The claimant did not object and he ignored the strike out warning.
15. On the 22 May 2026, the Tribunal notified the parties that the final hearing was vacated, and 2 hours on what was to have been the first day of the hearing converted to a CVP hearing to consider strike out. A notice of today's hearing dated 22 May 2026 confirmed at the hearing that an Employment Judge will determine the application to strike out. No response was received from the claimant, and he has not attended today's hearing. No explanation has been given and there has been no contact with the Tribunal.

Law

16.38. Striking out

- 17.(1) The Tribunal may, on its own initiative or on the application of a party, strike out all or part of a claim, response or reply on any of the following grounds—
- 18.(a) that it is scandalous or vexatious or has no reasonable prospect of success;
- 19.(b) that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious;
- 20.(c) for non-compliance with any of these Rules or with an order of the Tribunal;

- 21. (d) that it has not been actively pursued;
- 22. (e) that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim, response or reply (or the part to be struck out).
- 23. (2) A claim, response or reply may not be struck out unless the party advancing it has been given a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing.

Conclusion

- 24. The respondent has satisfied me today that the claimant's conduct as recorded above, was both scandalous, unreasonable or vexatious conduct which has directly affected these proceedings with the result that the respondent had carried out some preparation for the 4 day trial including booking out witnesses and had been in contact with the claimant on a number of occasions seeking the information he had been ordered to provide, without success. The claimant has not responded to the Tribunal and ignored a number of strongly phrased letters including a strike out warning. No reason has been provided by the claimant.
- 25. I am satisfied that the claimant's conduct was such there could not be a fair trial and the imposition of the strike-out sanction was proportionate in the particular circumstances of this case, despite its draconian effect. I discussed the possibility of applying some lesser sanction, such as a last strike out warning with a date for compliance followed by automatic strike out and a costs order against the claimant, before deciding that this was not appropriate given the extent of the claimant's default and the clear evidence before me that a fair trial is not possible. I take the view that the claimant, by his behaviour culminating in a total disregard for case management orders and earlier strike out warnings given by the respondent and Tribunal which resulted in a 4 day final hearing allocation being taken out of the list, has forfeited his right to a trial and I am concerned that even if it were to be re-listed at some date in the future, causing further delay in hearing the evidence, we would reach the same position as the claimant is today, namely, striking out the claims. I bear in mind that the claimant has and remains working in the law and should be aware of the importance of acting reasonably and complying with judge's order in the litigation he has chosen to instigate. Taking into account the interests of justice and balancing the claimant's needs with that of the respondent, who has tried to prepare the case for trial, even to the extent of preparing a provisional trial bundle and witnesses statements, albeit without any input from the claimant who has continually ignored the correspondence sent to him, including the various communications threatening to make an application to strike out his claims.
- 26. I have also had in mind in deciding whether a fair trial is possible the high public interest in determining disability discrimination claims. Mr Thompson assures me that the bundle the respondent had provisionally prepared included

documents which will show the decision to dismiss the claimant was discussed before he went off work sick, and the respondent believes it has a strong defence to the claims brought supported by contemporaneous documents.

27. In conclusion, as a result of the claimant's conduct a fair trial is not possible.
28. The claim of unlawful disability discrimination is struck out under Employment Tribunal Rule 38(1)(b), (c), (d) and (e) of the Employment Tribunal Procedures Rules 2024 because it is scandalous or vexatious, the manner in which the proceedings have been conducted has been scandalous, unreasonable or vexatious, the claimant has not complied with the Tribunal Rules or Tribunal order, the claim has not been actively pursued and it is no longer possible to have a fair hearing in respect of it.

Approved by:

Employment Judge Shotter

2 June 2026

Judgment sent to the parties on:

24 July 2026

For the Tribunal:

Mary Bateman

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

[practice-directions/](#)