



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Gaughan

**Respondents:** Leeds City Council

## RULE 38 NOTICE

The Claimant having failed to provide more than minimal compliance with an unless order requiring medical evidence by no later than 4pm on 30 April 2019:

**NOTICE IS HEREBY GIVEN that the claim stood dismissed from 30 April 2019.**

## REASONS

The reasons for the Unless Order to which this notice refers took the claimant's representative's explanation for non attendance on the last occasion at face value, but was clear that medical evidence would need to be provided to support that account and postponement, taking into account that I had refused the respondent's strike out application. I set out the four elements required to be addressed by the **medical evidence**. These reasons should be read with those explaining the previous orders. On 29 April 2019 the claimant's representative then herself provided an account of further circumstances on the basis of which she sought a further postponement or stay for two months, and seeking to further support the reason for non attendance on the last occasion. The medical evidence in the form of fit notes and hospital admission record/patient information does not, in my judgment, address the heart of the matters in the order, nor amount to substantial compliance with the Order including for the reasons set out in the respondent's letter of 1 May. Applying the overriding objective and the needs of all litigants to access the Tribunal's resources, notwithstanding the claimant's circumstances appearing very difficult indeed, his unfair dismissal claim stood dismissed on 30 April 2019.

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Employment Judge JM Wade  
Date 10 May 2019  
SENT TO THE PARTIES ON

10 May 2019