



EMPLOYMENT TRIBUNALS

Claimant: Mr J Wells

Respondent: Oakdene Care Home Ltd

Heard at: Liverpool **On:** 8 February 2022

Before: Employment Judge Ord

Representation:

Claimant: The claimant did not attend and was not represented
Respondent: Mr L Helstrip (Director of the respondent company)

JUDGMENT

The claimant's complaints are struck out on the basis that he has not complied with an order of the tribunal and has not actively pursued his case.

REASONS

1. This matter was previously listed for a preliminary hearing on 15 December 2021, which was adjourned due to non-attendance of either the claimant or his father, Ivor Wells, who is his lay representative.
2. The order of Employment Judge Horne, made that day and sent to the claimant's father, sets out the procedural history of the case since its presentation in September 2020. It refers to the claimant's non-compliance with case management orders and his non co-operation with the respondent, leading to Employment Judge Allen writing to the parties on 29 July 2021, warning that the claim might be struck out.
3. Ivor Wells requested a hearing relating to the potential strike out and the final hearing, due to commence on 13 September 2021, was converted to a preliminary hearing to consider this matter. However the hearing was postponed after the claimant's father wrote to the tribunal saying that it clashed with another hearing he was involved in.

4. The hearing was re-listed for 15 December 2021 on remote CVP video platform. Neither the claimant nor his father attended, although Ivor Wells emailed the tribunal after the start of the hearing to say he had Covid-19 and could not participate. Employment Judge Horne, in his reasoned judgment, expressed concerns about the delays and the impact this might have on conducting a fair hearing. Nonetheless, he was prepared to give the claimant, through his father, one more chance to participate in a strike-out hearing.
5. The hearing was adjourned to today, again to be conducted by remote CVP video platform. Neither the claimant nor his father attended. The claimant's sister dialled in by telephone simply to pass on a message that her father had a hospital appointment relating to a knee infection and apologised for his non-attendance. She made it clear that she was not representing the claimant and that she had to leave to go to work.
6. The hearing therefore proceeded without the involvement of the claimant or any representative on his behalf. I considered rule 30A and whether I should postpone the hearing. However, having regard to the history of this case, it seems to me that there are no exceptional circumstances to justify a postponement.
7. It is clear that the claimant has not complied with the tribunal's case management order, and has not actively pursued his complaints. Accordingly, taking account of the overriding objective in rule 2 to deal with cases justly and fairly, and in particular the need to avoid delay, I strike out all of the claimant's complaints.

Employment Judge Liz Ord
Date 8 February 2022

JUDGMENT SENT TO THE PARTIES ON
10 February 2022

FOR THE TRIBUNAL OFFICE

Notes

Neither party objected to the hearing taking place on a remote video platform.