



EMPLOYMENT TRIBUNALS

Claimant: Mr W Westhead

Respondent: Happy Days Hospitality Limited

Heard at: Manchester (by CVP)

On: 2 May 2023

Before: Employment Judge Phil Allen (sitting alone)

REPRESENTATION:

Claimant: Did not attend

Respondent: Ms D Winrow, HR

JUDGMENT

The claim is struck out.

REASONS

1. The claimant entered a claim at the Tribunal on 10 October 2022, to which the respondent responded.
2. The claimant did not attend a hearing conducted on 16 January 2023.
3. In a case management order made following the hearing on 16 January 2023 (in a document sent to the parties on 24 January 2023), the claimant was ordered to provide the respondent and the Tribunal with a summary of the sums he claimed were owed and to provide copies of supporting documents. That was to have been done within four weeks of the order being sent, which was by 21 February 2023. The claimant did not do so.
4. The claimant did not attend today's hearing. He provided no reason for his non-attendance. When the clerk telephoned the claimant, there was no response on the number provided.
5. Rule 37 of the Employment Tribunal rules of procedure provides that a claim may be struck out where (under rule 37(1)(c)) there has been non-compliance with an order of the Tribunal and (under rule 37(1)(d)) it has not been actively pursued.

6. As the claimant has failed to comply with the order made by Employment Judge Cline at the previous hearing (without explanation or reasonable excuse) and as his claim is clearly not being pursued, I decided to strike out the claim on both grounds.

7. In any event, the unfair dismissal claim would have been struck out because the claimant did not have two years continuous employment with the respondent (as is required to bring such a claim) and the claimant had not given any reasons why that claim should not have been struck out, after being given the opportunity to do so in the Tribunal's letter to him of 18 October 2022.

Employment Judge Phil Allen
2 May 2023

JUDGMENT AND REASONS
SENT TO THE PARTIES ON
4 May 2023

FOR THE TRIBUNAL OFFICE

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