



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 8001089/2024

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Hearing Held by CVP on 29th November 2024

Employment Judge McFatridge

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Thomas McIlroy

**Claimant
Not present or
represented**

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Simply Solutions (Europe) Ltd

**Respondent
Represented by:
Mr Russell, Solicitor**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

There being no appearance by the claimant the claim is dismissed in terms of section 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 Schedule 1.

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REASONS

1. The claimant submitted a claim to the Tribunal in which he claimed he had been unfairly dismissed by the respondents. He also claimed to have

suffered discrimination on grounds of sexual orientation and religion or belief. Very little was provided in the way of specification of his claim of discrimination. The claimant did not specify what his sexual orientation was or what his religion or belief was. He referred in general terms to having
5 been subject to poor treatment but provided no dates or specification of any of the incidents on which he was seeking to rely.

2. The respondents submitted a response in which they denied the claim. They made the point that as matters stood the claims were insufficiently specified
10 and that additional specification would be required.

3. A Preliminary Hearing was fixed for case management. In accordance with the usual process the claimant had been ordered to provide a completed Agenda. The claimant did not provide a completed Agenda during the period
15 requested. The respondents' representative wrote to the Tribunal asking that the Tribunal remind the claimant of his obligation. The Tribunal duly did this but as of the date of the Hearing the claimant had still not provided a completed Agenda. The respondents submitted their own Agenda in which they repeated their request for further specification and indicated that given
20 the circumstances it would be appropriate to suspend listing the case until such time as further specification had been provided. They stated that as matters stood they could not sensibly respond to the claim.

4. The Hearing was due to take place over CVP. At the time and date fixed the respondents' representative was present and ready to proceed. The claimant
25 did not log into the Hearing. I asked the parties to wait. During this time the clerk telephoned the claimant's telephone number on two occasions. On each occasion the call went straight to voicemail. The clerk left a message asking the claimant to log into the CVP call as soon as possible. During the
30 second call she indicated that he must log in by 2:10 at the latest. By 2:13 there was still no appearance by the claimant.

5. I asked the respondents' representative what he wished me to do. He indicated that in the circumstances his primary motion was for strike out of

the claim given that there appeared to be a background of non engagement by the claimant. He said that in addition to those matters known to the Tribunal the respondents' representative had written to the claimant on two separate occasions seeking information and that there had been no response from the claimant at all. In the circumstances I felt that the appropriate course of action was to strike out the claim. I appreciate that emergencies happen on occasions and that there may be a good reason for the claimant having failed to dial in. However at present I require to make a Judgment based on the information before me. If it transpires that there is such a good reason then there is nothing to stop the claimant applying for reconsideration of the decision to strike out the claim. I made it clear to the respondents' representative that in those circumstances provided the reason was properly vouched and was reasonable then there was every chance that reconsideration could be granted. That having been said given the circumstances and on the basis of the information before me I considered the appropriate course was to dismiss the claim in terms of Rule 47.

Employment Judge: I McFatridge
Date of Judgment: 4 December 2024

30 **Date sent to parties**

04/12/2024