



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr K Kennedy

**Respondent:** The Home Office

**Heard at:** Liverpool

**On:** 26 October 2018

**Before:** Employment Judge Whittaker

## REPRESENTATION:

**Claimant:** Did not attend

**Respondent:** Mr A Williams, Counsel

# JUDGMENT

The judgment of the Tribunal is that the claims of the claimant are dismissed.

# REASONS

1. The claimant was dismissed on 21 March 2018. He lodged a Claim Form with the Employment Tribunal on 9 May 2018. Due to the lack of sufficient detail which was provided by the claimant, the Tribunal immediately set a preliminary hearing to be conducted by way of case management hearing. That notice was sent out on 30 May 2018 and it was accompanied by the usual Agenda. It also advised the claimant that he should attend and that he would be “required” to provide certain information about his claim.

2. The Preliminary Hearing took place on 1 August 2018. The claimant therefore had two months’ advance notice of that hearing. The claimant did not attend. He provided no information whatsoever in advance of that hearing to indicate that he would be unable to attend, and since that hearing has not provided any information either to the Tribunal or to the respondent to provide any explanation or reasons as to why he did not attend on 1 August 2018.

3. At the hearing on 1 August 2018, in his absence, the claimant was ordered to provide a number of important documents. He was ordered to prepare and submit a Scott Schedule by 15 August 2018. He was ordered to prepare and serve a Schedule of Loss by 15 August 2018. He was, most importantly, required to prepare and submit

an impact statement relating to his alleged disability, and he was ordered to do that by 12 September 2018.

4. The claimant was advised that a further Preliminary Hearing would take place on 26 October 2018. He was told that date of hearing by a letter from the Tribunal which was sent out on 6 August 2018. Equally a detailed set of orders prepared by Employment Judge Shotter was sent to the claimant on 6 August 2018 relating to the Preliminary Hearing on 1 August 2018 which he had failed to attend.

5. Furthermore, the claimant was required to explain his failure to attend the hearing on 1 August 2018 and, if that in any way related to any medical condition, then the claimant was required to provide medical evidence and explanations.

6. The claimant failed to comply with any of the orders which had been made in any way whatsoever. He wrote to the Tribunal on 16 August 2018 asking for an extension of seven days but that was the last piece of correspondence which the Tribunal received from the claimant about his claims and about any of the detailed orders which he had been required to comply with.

7. The claimant failed to attend the preliminary hearing on 26 October 2018. The Tribunal sat at 10.15am. Nothing had been heard from the claimant to explain or excuse his failure to attend. In the absence of the information which the claimant had been required to produce it was not possible for the Tribunal to proceed with the issues which it had been required to determine, including whether or not the claimant was at the time of his dismissal a disabled person. In the absence of evidence from the claim the claims of the claimant were dismissed, including the allegation that the claimant was at the time of his dismissal and any other material times which the claimant may have complained about, a disabled person.

8. The claimant failed to contact the Tribunal prior to the hearing on 26 October or on the morning of 26 October to advise the Tribunal that he was not intending to appear or attend the Preliminary Hearing.

Employment Judge Whittaker

Date \_\_\_30<sup>th</sup> October 2018\_\_

JUDGMENT AND REASONS SENT TO THE PARTIES ON

7<sup>th</sup> November 2018

FOR THE TRIBUNAL OFFICE

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