



EMPLOYMENT TRIBUNALS

London South Employment Tribunal on 9th September 2022

Claimant

Between

Respondent

Mr Simon Musk

&

Newline Horizons Ltd

Before

Appearances

Judge M Aspinall (Sitting as an Employment Judge)

None

FULL MERITS HEARING Judgment

1. The hearing commenced at 10:00 in accordance with the Case Management Orders of Employment Judge Chapman KC made on 18 July 2022.
2. Neither the Claimant nor Respondent appeared. Neither were represented.
3. The Tribunal Clerk made attempts to contact the parties between 10:05 and 10:30. She met with no success in either case. At 10:30 I looked again at the papers and determined that it was in the interests of justice and in accordance with the overriding objective to proceed with the hearing,
4. Order 10 of the Case Management Orders made by the learned Judge on 18 July 2022, was that: *"No later than 4pm on **Tuesday 6 September 2022**, the Claimant shall provide the Tribunal with an electronic copy of the Bundle of documents to be used at the FMH (containing the documents on which both parties intend to rely at this Hearing)".* On checking the file today, the Claimant has not complied with that Order and neither party have made contact with the Tribunal in the intervening period.
5. Having considered all of the available evidence, the claims made by the Claimant are not well particularised - there is no Schedule of Loss, witness statement or other evidence available. As part of the Case Management Orders made on 18 July 2022 the learned Judge set out a series of issues which required determination. In light of the failure by the Claimant to comply with Order 10 and in as neither party has attended the hearing, there is scant evidence upon which any of those issued could be determined.
6. It is patently not the role of the Tribunal to fashion a case from such evidence as might be available it is not, either, the role of the Tribunal to find evidence for itself. In the absence of compliance by the Claimant and in the absence of attendance or submissions by him, I am satisfied that all of his claims should be dismissed in their entirety as they are without merit on the evidence before me.
7. **It is my judgment that:**
 1. None of the claims made by the Claimant are made out; and
 2. That all claims are dismissed.

Judge M Aspinall on Friday, 9th September 2022

PUBLIC ACCESS TO EMPLOYMENT TRIBUNAL DECISIONS

Judgments and reasons for judgments of the Employment Tribunal are published in full. These can be found online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the parties in a case.