



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Carroll

**Respondent:** Transport for London (TfL)

## JUDGMENT

The claim is dismissed.

## REASONS

1. The claimant failed to attend the preliminary hearing on 3 February 2023, without explanation, and failed to comply with the orders made by the tribunal on that date to provide information in relation to his claim, his disability and a schedule of loss nor had the claimant applied for an extension of time with reasons.
2. The claimant was ordered by letter dated 5 June 2023 to write to the tribunal and the respondent by no later than 15 June 2023 to provide the outstanding information in relation to his claim, his disability and a schedule of loss; and explain: (i) his failure to attend the hearing on 3 February 2023; and (ii) why it had not been possible for him to comply with the tribunal's orders. Alternatively, if additional time was required, the claimant was ordered by the same deadline to provide the information itemised at (i) and (ii) and to state how much additional time was required and why. The claimant was also warned that if he failed to reply by this deadline, the claim would be struck out, without further order, under rules 37(1)(c) and (d), on the grounds that the claimant had failed to comply with the tribunal's order and the claim was not being actively pursued.
3. At the date on which the order and strike out warning were issued, I had not seen the claimant's email dated 31 May 2023. Although I agreed with the respondent (as per its email to the claimant dated 5 June 2023) that the claimant had still failed to provide all the information as ordered or a schedule of loss or any GP / medical documents nor had he explained his failure to attend the preliminary hearing on 3 February 2023 and why he had been unable to comply with the tribunal's orders to date, I was satisfied that it was in the interests of justice to vary the order dated 5 June 2023 and give the claimant one further opportunity to provide the following information: (i)

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whether he was proceeding with his claim or withdrawing his claim; and if he was proceeding with his claim to explain: (a) why he failed to attend the hearing on 3 February 2023; (b) why he had failed to comply with the tribunal's orders to date (as per paragraphs 18, 20, 23 and 24 of the Case Management Order); and (c) how much additional time was needed to comply with each of these orders and why. Owing to the claimant's previous failures to comply with the tribunal's orders, this order was made under rule 38 and the claimant was warned that the consequence of his material failure to comply with this order was that the claim, or any part of it in respect of which there had been a material failure, would be dismissed without further order. I confirmed that a further preliminary hearing would be listed and would proceed unless the claimant withdrew his claim or his claim was dismissed.

4. The claimant has failed to provide this information by the deadline.
5. The claim is therefore dismissed.

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**Employment Judge Khan**

**07.08.2023**

JUDGMENT SENT TO THE PARTIES ON

.07/08/2023

FOR THE TRIBUNAL OFFICE