



EMPLOYMENT TRIBUNALS

Claimant: Mr V Mayers
Respondent: Sainsbury's Supermarkets Ltd
Heard at: East London Hearing Centre
On: 10 February 2022
Before: Tribunal Judge Overton

Representation

Claimant: Did not attend
Respondent: Mr M Gordon of Counsel

JUDGMENT

The claim is struck out.

REASONS

1. A case management hearing was scheduled for 10 February 2022 to consider whether the Claimant's claim should be struck-out because:
 - 1.1 the Claimant had not complied with the Order of the Tribunal dated 27/01/2021 and 26/04/2021;
 - 1.2 the claim has not been actively pursued;
 - 1.3 it is no longer possible to have a fair hearing of the claim.
2. The Claimant failed to attend the hearing and gave no reason for their non-attendance. They did not provide any representations in writing or otherwise. The Tribunal proceeded with the hearing in the absence of the Claimant under Rule 47 of the Employment Tribunals Rules of Procedure 2013.
3. The Tribunal concluded that the claim number 3213304/2020 should be struck out under Rule 37 as it has not been actively pursued by the Claimant.

4. The Respondent made an application for costs under Rule 76 but this was refused as the Tribunal was not persuaded that there had been unreasonable conduct as per Rule 76(1)(a) nor was it apparent that the claim had no reasonable prospect of success (Rule 76(1)(b)). Although the Claimant was in breach of a case management order, the Tribunal declined to exercise its discretion to make a costs order as the correspondence before the Tribunal indicated that the Claimant did not understand the Tribunal process and a costs award was not considered to be appropriate.
5. The full merits hearing fixed for 11-13/05/2022 will not take place.
6. The Tribunal substituted the Respondent identified by the Claimant as Sainsbury's PLC for the Respondent identified by the Respondent's representative as Sainsbury's Supermarkets Ltd.

Tribunal Judge Overton acting as an
Employment Judge
Date: 1 March 2022