



THE EMPLOYMENT TRIBUNALS

Claimant
Mr Connor Seaman

Respondents
Jamie Rawlings
Executive Protection Group –(EPG) Ltd

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

MADE AT NEWCASTLE
EMPLOYMENT JUDGE GARNON

ON 4 AUGUST 2020

JUDGMENT

The claim is struck out in whole

REASONS

1. The claim of unlawful deduction of wages was presented against the first respondent on 23 August 2019. It was clear from the text the claimant had not been paid for a week's work as a steward by a company. The service papers were not returned undelivered by Royal Mail and no response was entered. Often unrepresented litigants do not understand the concept of a limited company being a different "person" to its director. In such circumstances Employment Judges explain matters in layman's terms. I did so on 31 October when I caused to be sent to the parties a written order explaining the difference and requiring the claimant to inform the Tribunal whether he wished to amend his claim. It was clear from his reply he did not grasp the difference.
2. He attended a hearing at Teesside on 14 November before Employment Judge Deeley who established the company which had employed him was Executive Protection Group –(EPG) Ltd. A Companies House search showed a company of that name having a registered office at the address given and Mr Jamie Rawlings as its sole director. The claim also lacked details of the wages claimed. Employment Judge Deeley set the case down for hearing on 17 December.
3. On that day it came before Employment Judge Speker when no party attended. He ordered the claimant to explain his absence by 6 January 2020. The claimant did reply but it was not clear if he wished to proceed. I extended time for him to clarify his decision to 22 January. Nothing further has been received from him despite a formal strike out warning sent on 3 June.

4. Rule 2 of the Employment Tribunal Rules of Procedure 2013 (the Rules) provides their overriding objective is to enable Employment Tribunals to deal with cases fairly and justly. which includes, in so far as practicable –

(a) ensuring the parties are on an equal footing

(b) dealing with a case in ways which are in proportionate to the complexity or importance of the issues

(c) avoiding unnecessary formality and seeking flexibility in the proceedings

(d) avoiding delay , so far as compatible with proper consideration of the issues

(e) saving expense

A Tribunal or Employment Judge shall seek to give the effect to the overriding objective in interpreting, or exercising any power given to it by the Rules The parties and their representatives shall assist the Tribunal to further the overriding objective and in particular shall co-operate generally with each other and with the Tribunal

5. Rule 37 includes

(1) At any stage of the proceedings, either on its own initiative or on the application of a party, a Tribunal may strike out all or part of a claim or response on any of the following grounds—

(c) for non-compliance with any of these Rules or with an order of the Tribunal;

(d) that it has not been actively pursued;

(2) A claim or response may not be struck out unless the party in question has been given a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing.

6. I cannot overstate the problems caused to Employment Tribunals and other litigants when parties, through failure to comply with orders or answer letters which are meant to help them present their claims, just fail to reply. A company search today shows Executive Protection Group –(EPG) Ltd is under a suspended proposal to strike it off the register. It may be the claimant has given up hope of being paid, but his failure actively to pursue his claim and failure to comply with orders leaves me no option but to strike out the claim in whole.

Employment Judge T.M. Garnon

Judgment authorised by the Employment Judge on 4 August 2020