



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. C Fogg

**Respondent:** Frames Opticians Limited

## JUDGMENT

The claim is struck out.

## REASONS

1. By a letter dated 14<sup>th</sup> November 2024 the Tribunal gave the Claimant an opportunity to make representations or to request a hearing as to why the claim should not be struck out because it had not been actively pursued. That was because the Claimant did not attend a Preliminary hearing on 14<sup>th</sup> November 2023 of which the parties had had over two months notice and without giving any explanation; he had not complied with Orders made by Employment Judge Broughton to provide further information about the claim that he was bringing and he had not communicated with the Respondent in order to prepare for the Preliminary hearing.
2. The Claimant replied to say that he had asked for “more time” and that the notice that had been given of the Preliminary hearing had been insufficient to enable him to obtain time off. The Claimant sent that to the Midlands East main inbox. It received an autogenerated response to which the Claimant sent a further email to the Tribunal instructing that his details be removed from the system and that he was reporting the Tribunal for harassment because he had not asked them to contact him.
3. The Claimant’s explanation for non-attendance was unsatisfactory. Firstly, he had not requested “more time” from the Tribunal and only from the Respondent’s representative. Moreover, he had had over two months notice of the Preliminary hearing which would have been more than sufficient to enable him to book time off work to attend and in all events he did not make any application for a postponement if he was indeed unable to attend. He has also provided no explanation for his failure to comply with the Orders of Employment Judge Broughton or his failure to communicate with the Respondent. The claim is therefore struck out on the basis that it has not been actively pursued.
4. It is also clear that in all events it would not be possible for this matter to properly proceed and to be actively pursued on the basis that the Claimant has instructed the Tribunal to remove his details from the system and made threats of reports of harassment. In those circumstances, the claim would not in all events be able to

properly proceed nor could a fair hearing be possible.

5. For all of those reasons the claim is therefore struck out.

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Employment Judge Heap  
12<sup>th</sup> June 2024

JUDGMENT SENT TO THE PARTIES ON

....12 June 2024.....

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FOR THE TRIBUNAL OFFICE