

# THE INDUSTRIAL TRIBUNALS

CASE REF: 6363/20

**CLAIMANT:** James Gribben  
**RESPONDENT:** Northern Ireland Civil Service

## JUDGMENT

The judgment of the tribunal is that the claimant's claim is struck out pursuant to Rule 32(1)(d) of Schedule 1 of the Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020.

### CONSTITUTION OF TRIBUNAL

**Employment Judge (sitting alone):** Employment Judge Greene

### APPEARANCES:

**The claimant was neither represented nor in attendance.**

**The respondent was represented by Mr C Summers, of counsel, instructed by the Departmental Solicitor's Office.**

1. At a Case Management Preliminary Hearing on 17 February 2022 I directed that a Preliminary Hearing would convene on 25 March 2022 at 10.00 am in Adelaide House to consider the following issues:-
  - (1) Whether the tribunal should strike out the claimant's claim pursuant to Rule 32 of Schedule 1 of the Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020 on the grounds set out at Rule 32(1)(a), (b), (c) and (d).
  - (2) Whether the tribunal should make a Costs Order against the claimant in favour of the respondent in relation to the claimant's conduct of his claim pursuant to Rules 71 to 75 of Schedule 1 of the Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020.
2. In the record of proceedings of the Case Management Preliminary Hearing of 17 February 2022 I informed the claimant that he could make oral representations at the hearing on 25 March 2022 in relation to the issues before the tribunal or he could make representations in writing.

3. The claimant was notified of the hearing of 25 March on 8 March 2022 by post. He was also sent a record of proceedings of the Case Management Preliminary Hearing of 17 February 2022 by post on 1 March 2022 which set out the date and time of the hearing for 25 March 2022.
4. There had not been any contact from the claimant in relation to today's hearing. Neither of the letters informing him of the hearing on 25 March 2022 been returned to the tribunal. Nor had the claimant submitted any written submissions.
5. In those circumstances I was satisfied that the claimant had been notified of today's hearing and in the absence of any objections from Mr Summers I proceeded with the hearing of the preliminary issues.
6. The tribunal had regard to the ET1, the ET3, various records of proceedings of 1 December 2020, 13 January 2021, 10 December 2021 and 17 February 2022 and to a legal submission by the respondent in relation to the preliminary issues dated 18 March 2022.
7. The respondent submitted that the claimant's claim should be struck out. It sought to have the claimant's claim struck out pursuant to Rule 32(1)(a), (b), (d) and (e) of Schedule 1 of the Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020. The tribunal also had regard to the various oral submissions made by Mr Summers amplifying the written submission already lodged by the respondent.
8. Having considered the ET1, the ET3, the records of proceedings and the submissions on behalf of the respondent, written and oral, I was satisfied that the claimant's claim should be struck out on the basis that it has not been actively pursued by the claimant (Rule 32(1)(d) of the said Rules of Procedure).
9. Full reasons were given orally for the tribunal's decision on 25 March 2022.
10. In relation to the application for costs which had not been broken down into its various elements, the respondent elected not to proceed with that application on today and to notify the tribunal if it were pursuing an application for costs.

**Employment Judge:**

**Date and place of hearing: 25 March 2022, Belfast.**

**This judgment was entered in the register and issued to the parties on:**