



# EMPLOYMENT TRIBUNALS

BETWEEN

**Appellant**  
Fisherman's Catch

**Respondent**  
HMRC

AND

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**HELD AT** Birmingham

**ON**

6 June 2017

**EMPLOYMENT JUDGE** Harding

### Representation

**For the Appellant:** No Appearance

**For the Respondent:** Mr Feeny, Counsel

## JUDGMENT

The appellant having failed to attend today's hearing, the appeal is dismissed under Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

## REASONS

1 A notice of hearing listing this case for an appeal hearing to take place on 6 June 2017 was sent to the parties on 10 April 2017.

2 On 15 May 2017 the respondent applied for a postponement of this hearing on the basis that it needed more time to prepare the case and it requested that the hearing not be listed before 31 August 2017. A copy of this postponement request was emailed by the respondent to the appellant.

3 On 31 May 2017 the tribunal wrote to the appellant asking for the appellant's comments on the postponement request and enclosing a further copy of the letter. The appellant failed to respond to this letter.

4 On 5 June 2017 the tribunal emailed both the appellant and the respondent informing them that the respondent's request to postpone the hearing was refused because there had been sufficient time for the respondent to prepare its case. It was confirmed that the case remained listed for hearing on 6 June.

5 The respondent attended this morning's hearing. The appellant did not. The appellant did not make any contact with the tribunal to explain why he was not in attendance. At 10.08am I caused a telephone call to be made to the appellant by the tribunal administration. After several attempts contact was made with the appellant who informed the tribunal clerk that he had understood from HMRC that the hearing would not be until August. This appeared to be a reference to the respondent's postponement request therefore.

6 I did not consider that to be a cogent explanation for the appellant's non-attendance. The letter from the respondent (sent to the appellant twice) made it clear that the respondent was doing no more than making a postponement request. It would have been evident to the appellant that this was not a request that the tribunal had agreed to when the tribunal's letter requesting the appellant's comments on the application was received. To the extent that there could have been any doubt in the appellant's mind about the hearing date the tribunal's email of 5 June made the situation entirely clear.

7 It is permissible under the tribunal Rules for the appellant to apply for a reconsideration of this judgment. If he wishes to do so then the appellant should set out clearly in writing what correspondence he had received and what he understood it to mean.

Case No:2200604.17  
Employment Judge Harding  
Dated:6 June 2017

Judgment sent to Parties on

6 June 2017

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