



EMPLOYMENT TRIBUNALS

Claimant: Mr R A Flynn

Respondent: ATW Property Services Ltd

Heard at: Cardiff **On:** 21 August 2017

Before: Employment Judge P Cadney
Members

Representation:

Claimant: No appearance

Respondent: In person

JUDGMENT

The judgment of the tribunal is that the case is adjourned for a date to be fixed.

Reasons

1. The case was listed today for Final Hearing and the Respondents attended but the Claimant did not. When he was contacted by telephone he said that he was not aware that the case had been listed for Final Hearing today. This is puzzling as he was sent the Notice of Hearing dated 21 June which states in bold the date, and was emailed on 17 August in respect of the issue of the late acceptance of the Respondents ET3 and informed him that the issue would be dealt with as a preliminary issue at the hearing listed for 21 August which again is set out in bold. Accordingly the information has been provided to the Claimant twice. However he states he was not aware of the hearing and has asked for the hearing to be adjourned. In the circumstances I have decided that I will accede to that request and the case will be adjourned to be relisted.
2. There are a number of disputes between the parties not least of which is whether the Claimant was actually an employee or an independent contractor and the amount of time he worked. In those circumstances in

my judgment the time estimate of 1 hour is insufficient and the case will be relisted for 3 hours as soon as the Tribunal is able to do so. The Respondents have been advised to make a note of any expenses and the time they have spent in attending today's hearing as at the resumed hearing the question will be considered as to whether the Claimant should be ordered to pay any wasted costs and preparation time order or any expenses that have been incurred.

Employment Judge P Cadney
Dated: 30 August 2017

JUDGMENT SENT TO THE PARTIES ON

14 September 2017

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS

NOTE:

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.