



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**

Mr Michael Lindsell

AND

**Respondent**

Quest Corporation Limited

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**HELD AT** Bodmin

**ON**

22 February 2019

**EMPLOYMENT JUDGE** N J Roper

### Representation

**For the Claimant:** In person

**For the Respondent:** Did not attend

### JUDGMENT

The judgment of the tribunal is that having considered all information which has been made available to it, and on the non-attendance of the claimant, the claimant's claim is hereby dismissed pursuant to Rule 47 of the Employment Tribunals Rules of Procedure 2013.

### REASONS

1. In this case the claimant Mr Michael Lindsell brings monetary claims for breach of contract and unlawful deduction from wages and for accrued holiday pay against his ex-employer Quest Corporation Limited.
2. The history of this matter is slightly complicated and is as follows. Proceedings were initially issued by three claimants, namely Mr Guy, Mr Richardson, and the remaining claimant Mr Lindsell. The Tribunal case reference numbers are respectively 1400926/2018, 1400927/2018 and 1400928/2018. The respondent entered a notice of appearance denying the claims, and a hearing took place before Employment Judge Housego on 26 November 2018. The respondent did not attend that hearing. Judgment was entered for Mr Guy and Mr Richards who did attend the hearing. The remaining claimant Mr Lindsell did not attend that hearing, and his claim was dismissed in his absence.
3. Mr Lindsell sought reconsideration of the judgment dismissing his claim. Employment Judge Housego granted Mr Lindsell's application for reconsideration as confirmed in his

judgment dated 25 January 2019. He revoked his decision to dismiss Mr Lindsell's claim which is therefore reinstated, and which was listed for hearing today.

4. Unfortunately, Mr Lindsell failed to attend today's hearing as well. Similarly, no one attended from the respondent. According to the Register at Companies House, the respondent is still an active company today.
5. In the circumstances I decided to dismiss Mr Lindsell's claims under Rule 47 bearing in mind all the information which has been made available to me. There must be finality in litigation and in my judgment it is in the interests of justice to dismiss this claim.

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Employment Judge N J Roper

Dated 22 February 2019