



EMPLOYMENT TRIBUNALS

Claimant: (1) Mr. C Hopkins (1400909/18)
(2) Mr. K Kopysc (1401074/18)

Respondent: (1) Burgess Marine Limited (In Administration)
(2) Secretary of State for Business, Energy and Industrial Strategy

Heard at: **Southampton** **On: Thursday, 14th March 2019**
Employment Tribunal

Before: **Employment Judge Mr. M. Salter**

Representation:

Claimant: No attendance and not represented

Respondent: No attendance and not represented

JUDGMENT

The Claimants' application to set aside the dismissal of their claims for failing to comply with an Unless Order is, itself, dismissed.

REASONS

1. By claim forms presented on various dates eleven Claimants, of which Mr. Hopkins and Mr. Kopysc are two, presented claims arising out of the First Respondent going into Administration and their subsequent dismissals.
2. The numerous claims were to be heard together and, in May 2018, Regional Employment Judge Pirani gave directions for the Claimants to produce Schedules of Loss, witness statements and bundles containing the information they wished the Tribunal to consider when assessing their claims. He ordered the matter come on for Final Hearing on 12th November 2018, it had a two-day time estimate and was listed on that day before a full tribunal consisting of me and two non-legal members.

3. Only Mr. Hopkins attended the hearing. Enquiries were made by the tribunal of the other 10 claimants: those who answered the telephone call gave a variety of reasons for non-attendance, ranging from they had no intention of attending, through to they "may" be able to attend the second day of the hearing. None of them had however produced the documents required by REJ Pirani.
4. Having discussed the matter with my colleagues on the tribunal we made an "Unless Order" requiring all Claimants to comply with the REJ's order. The Unless Order gave the Claimants 28-days from the date the Order was sent to them to comply with it.
5. On 19th December 2018, all the Claimants' claims were dismissed in accordance with that Unless Order as no claimant had complied with it.
6. On the same day Mr. Hopkins and Mr. Kopsyc contacted the tribunal in what was considered to be an application to set aside the Unless Order. The application went before REJ Pirani who ordered the matter be listed today, 14th March 2019, to consider that application.
7. A Notice of Hearing was sent to Mr. Hopkins and Mr. Kopsyc's addresses.
8. Neither Mr. Hopkins nor Mr. Kopsyc attended the hearing and the tribunal's telephone calls to the numbers we held on file went unanswered.
9. In these circumstances and on the basis of the material I have before me I do not consider that it would be in the interests of justice for me to set aside the Order, breach of which led to Mr. Hopkins' and Mr. Kopsyc's claims being dismissed.

Employment Judge M. Salter

Date 14 March 2019