



EMPLOYMENT TRIBUNALS

Claimant: Mr J Jacinto

Respondent: Casual Dining Limited t/a Las Iguanas Bar & Restaurant

JUDGMENT ON PRELIMINARY HEARING

Heard at: Manchester (in private) **On:** 11 April 2019

Before: Employment Judge Holmes (sitting alone)

Representatives

For the claimant: No attendance or representation

For the respondents: Ms England, Solicitor

JUDGMENT

It is the judgment of the Tribunal that the claimant's claims are dismissed pursuant to rule 47 of the 2013 Rules of Procedure.

REASONS

1. The Tribunal convened to conduct a preliminary hearing in relation to the claimant's claims of race discrimination. This hearing was convened by letter from the Tribunal sent to the parties of 16 January 2019, when the hearing was listed for 11.30 am. on 11 April 2019.

2. On 11 April 2019, the Tribunal called the case on at 11.30 a.m, when Ms England, solicitor for the respondent attended, but the claimant did not attend, nor was he represented before the Tribunal. No communication from the claimant had been received by the Tribunal.

3. The Employment Judge accordingly enquired of Ms England as to whether she had received any communication from the claimant. She had not, and had sent him the respondent's Agenda, but had received no response.

4. In these circumstances, Ms England invited the Tribunal to exercise its powers under rule 47, which provides that if a party fails to attend or be represented at a hearing (and that includes, now under the 2013 Rules, a preliminary hearing), the Tribunal may dismiss the claim or proceed with the hearing in the absence of that

party. The rule goes on to provide that before doing so it shall consider such information as is available to it after any enquiries that may be practicable about the reasons for the party's absence.

5. The Employment Judge considered this application. Having noted the claimant's failure to correspond with the respondent at all, and in the absence of any explanation as to why the claimant had not attended , or communicated with the Tribunal, the Employment Judge did exercise the power he has to dismiss the claim.

Employment Judge Holmes

Dated : 11 April 2019

Judgment and Reasons sent to the parties on:

11 April 2019

For the Tribunal: