



EMPLOYMENT TRIBUNALS

Claimant: Mr S Brabon

Respondent: DHL Services Ltd

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Heard at: Birmingham

On: 17 April 2019

Before: Employment Judge Kelly

Representation

Claimant: No attendance

Respondent: Mr Yates, solicitor

JUDGMENT

The judgment of the Tribunal is that:

The Claimant's claims are dismissed on his non-attendance.

REASONS

1. The claimant has not attended this Hearing.
2. Mindful of rule 47, we have considered whether we should dismiss the claim or proceed in the absence of the claimant. We have also considered if we should adjourn the Hearing.
3. We have made enquiries as to the claimant's absence. This morning, the Tribunal received an email from the claimant's legal representative saying that the claimant would be representing himself at today's Hearing. We have arranged for the representative to be telephoned this morning and are informed that the representative repeated the information that the claimant would be representing himself today. The representative has since called the Tribunal to find out if we have heard from the claimant. He informed the Tribunal that he was attempting to make contact with the claimant but had not been able to do so.

4. The Tribunal obtained the claimant's mobile phone number from his representative and called this number and left a message for the claimant. The message has not been returned.
5. The respondent informs us that it received a call from the claimant's representative yesterday afternoon to say that the claimant would be representing himself at today's Hearing and had been given all the materials to do so.
6. The respondent asked for the claims to be dismissed. It submitted that the claimant was represented by the same legal representative from the submission of his claim form until the representative notifying it yesterday that the claimant would be representing himself today. All directions had been complied with and the case was ready for hearing. The claimant had been referring to instructing counsel for the Hearing. It was wholly unreasonable for the claimant to fail to attend the Hearing and to put the respondent to the expense and inconvenience of attending.
7. We have made a final check that the claimant has not arrived, as at 11.00am.
8. We consider that the claimant has acted unreasonably in failing to attend the Hearing, given his representative's information that he would do so and was briefed to do so. We consider it to be in line with the overriding objective, in terms of dealing with issues in ways which are proportionate, avoiding delay and saving expense, to dismiss the claim.

Employment Judge Kelly
17th April 2019