



EMPLOYMENT TRIBUNALS

Claimant: Mr D Holden

Respondent: Lunya Limited

HELD AT: Liverpool

ON:

1 May 2019

BEFORE: Employment Judge Robinson

REPRESENTATION:

Claimant: No attendance

Respondent: Mr and Mrs Consella, both Directors for the company

JUDGMENT

The judgment of the Tribunal is that: -

1. The judgment made on 17 December 2018 is confirmed on reconsideration and all the claims of the claimant as set out in that judgment are struck out on the basis that the claimant did not attend the hearing on 17 December nor did he attend the hearing today on reconsideration and the claims have no reasonable prospect of success.
2. No further order or direction need be made.

REASONS

1. On 17 December Mr and Mrs Consella acting for the respondent company attended. Mr Holden did not.
2. On that basis and because of what I was told on that day I decided that all claims should be struck out.
3. Judgment was promulgated and sent to Mr Holden to the address that he had previously given to the Tribunal administration.

4. The judgment was promulgated on 9 January 2019.
5. On 14 January 2019 Mr Holden emailed the Tribunal to say that he had never received the date of the Tribunal hearing.
6. On that basis on 23 January 2019 I set the matter down for reconsideration and asked the parties to inform the Tribunal of unavailable dates by no later than 6 February 2019.
7. Both parties complied and Mr Holden informed the Tribunal that he was available for all dates except that he was not available for the whole of March.
8. Consequently, a new hearing date was set for reconsideration of the claims for 1 May 2019 at 10.00 am.
9. Notice of that hearing was sent to both parties and to the claimant's correct address which had changed. Mr Holden had told the Administration on 26 February 2019 that he now lived at The White Lion, 1 Riley Street, Earby, BB18 6NX.
10. On 29 March Mr Holden emailed the Tribunal again asking how things were progressing as he had not heard "anything for quite a while".
11. On 29 March the administration in Manchester informed Mr Holden that the reconsideration hearing was scheduled for 1 May 2019.
12. He did not attend today.
13. Mr and Mrs Consella attended.
14. Mr Consella told me that approximately a week before the hearing on 17 December, Mr Holden told them that they (the Consellas) had a "last chance to pay me before the hearing".
15. That tends to suggest that Mr Holden did actually know of the hearing in December.
16. I have now given him two opportunities to state his case. He has not taken either opportunity and in those circumstances and under Rule 70 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 I confirm the original judgment made by me on 17 December 2018.

Employment Judge Robinson

Date: 8 May 2019

JUDGMENT AND REASONS SENT TO THE PARTIES ON

20 May 2019

FOR THE TRIBUNAL OFFICE

[JE]