



EMPLOYMENT TRIBUNALS

Claimant

Respondent

v

Mr R Thomas

Your Skin Therapy Ltd trading as
"Inspirations"

Heard at: Leeds

On: 21 May 2019

Before: Employment Judge JM Wade

Appearance:

For the Claimant: No attendance

For the Respondent: Ms Kovacs (director)

JUDGMENT

The claimant's complaints of unfair dismissal, wrongful dismissal and unlawful deductions from wages are dismissed upon his failure to attend or be represented at today's preliminary hearing, pursuant to Rule 47.

REASONS

The claimant, a hairdresser, has not attended for a public preliminary hearing today to decide his status during a two week engagement with the respondent in the summer of 2018. He presented his claim on 3 September 2018 and attended a case management hearing on 1 April 2019 to clarify his claims. During that hearing the claimant became upset when it was said by Ms Kovacs that evidence discussing self employment was available. Today's hearing was arranged to decide his status as a preliminary issue (determinative of his claims if the respondent's case that he was self employed succeeded) and the parties appear to have complied with case management orders by exchanging relevant evidence. Ms Kovacs and a colleague attended today with copies of the relevant documents. There has been no communication from the claimant on the file or with Ms Kovacs since 8 May 2019. On 13 May a letter was sent from the Tribunal reminding the parties of today's hearing and directing that the relevant matters would be determined today. The evidence on the relevant issue is mixed, as is often the case because the test to determine status involves a range of mixed factors. I do not consider it fair to press ahead with the hearing in the claimant's absence and determine it on the merits. Equally it is very difficult for Ms Kovacs to have this matter hanging over her business for all this time in respect of work done by the claimant so long ago and for such a short period. Our clerk today has made three telephone calls to the

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claimant's mobile telephone, only to reach voicemail. Something untoward may have happened to prevent his attendance and I have considered an unless order mandating an explanation, but that involves further delay for the respondent and administrative and judicial time and expense. I have, in any event, concluded the likely position is that the claimant does not pursue his claim and does not wish to attend. In those circumstances I exercise my discretion to dismiss the claim pursuant to Rule 47.

Dated: 21 May 2019

Employment Judge JM Wade