



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr T Cassisi

AND

Respondent
John Predergast
ADC Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL ON A HEARING

HELD AT Birmingham ON 26 June 2019

EMPLOYMENT JUDGE Dimbylow

Representation

For the claimant: Not present or represented

For the respondent: Not present or represented

JUDGMENT

The claimant having failed to attend at this hearing, the claim is dismissed pursuant to Rule 47 of Schedule 1 of the Employment Tribunal Rules of Procedure 2013.

REASONS

- 1 This hearing was due to start at 9.45am; but at that time neither party was present. I put it back to 10.45am. When the hearing commenced, the claimant still having failed to attend or be represented I considered if the claim should be dismissed pursuant to Rule 47.
- 2 The respondent ADC Limited had lodged a response and resisted the claim.
- 3 I was satisfied that notice of today's hearing had been given to the correct address retained on file for the claimant. Furthermore, my clerk tried to contact the claimant without success by telephone; and checked for telephone calls or outstanding correspondence that would provide an explanation for the claimant's absence and found none.
- 4 I find the claimant was properly served and that he failed to inform the tribunal he would not be attending or in the alternative lodge written representations.

- 5 Having further considered the file I noted the claimant had failed to lodge a written statement and supporting documentation concerning his claim, in breach of a case management order made and sent to the parties on 1 April 2019. Similarly, the claimant failed to comply with a direction of Employment Judge Woffenden (also made and sent to the parties on 1 April 2019) to confirm if he agreed the correct name of the respondent was ADC Limited, and to reply in 7 days.
- 6 I considered the information before me was insufficient to assess the extent or merits of the claim or make an award in the claimant's favour in relation to the losses claimed or compensation. The correct identity of the respondent remained as an issue. I noted that in the narrative of the claim form the claimant referred to working for a company called "App Design Co Limited". Although that company exists and is active at Companies House, there is a proposal to strike it off.
- 7 I concluded that it was just, fair and proportionate to dismiss the claim under Rule 47.

Signed by: Employment Judge Dimbylow

Signed on: 26 June 2019