



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr G Lloyd

**Respondent:** In2Stone Limited

**Heard at:** Southampton

**On:** 14<sup>th</sup> August 2019

**Before:** Employment Judge Dawson

## **Representation**

Claimant: no attendance

Respondent: Miss R Muhammed, counsel

# JUDGMENT

- 1. The claimant's claim is dismissed.**
- 2. The respondent's application for costs should be made in writing and on notice to the claimant.**

# REASONS

1. This case was listed for a trial in respect of the claimant's claim of unfair dismissal. At 10 am the claimant had not attended and the matter was stood down until 10:30 am to give the claimant time to attend, if he was late. At 10:30 am the claimant had still not attended and I asked my clerk to contact the administrative section of the employment tribunal in Bristol. They had not heard from the claimant but contacted him and were told that that he had withdrawn his claim previously in writing and was not attending the hearing.
2. There was no record of any such withdrawal on the tribunal file and, once the case was called on, the respondent confirmed to me that it had no record of any such withdrawal and had not been told of a withdrawal by the claimant.
3. It is not appropriate for the claimant's case to be dismissed on his withdrawal pursuant to rule 51 of the Rules of Procedure since the claimant

has not informed the tribunal of his withdrawal in the course of the hearing nor have I seen any written withdrawal.

4. However, in the circumstances I have considered rule 47 of the rules of procedure, noted the claimant's absence, noted what he told the Bristol administrative department and also noted that the claimant has failed to comply with any of the directions set down in the tribunal's letter of 21 November 2018. In the circumstances I have concluded that it is appropriate to dismiss the claim on the basis of the claimant's non attendance at this hearing.
5. The respondent applied for a costs order against the claimant. It's clear the respondent understood that the case was going ahead and attended with both counsel and a witness. In my judgement, given the fact that the claimant has told the tribunal that he withdrew the claim some time ago any such application for costs should be made in writing and on notice to the claimant and I directed that if the costs order is to be made it should be made accordingly.

Employment Judge Dawson

Date 14 August 2019