



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr G Alborino

**Respondent:** Italian Catering Concept Limited

**HELD AT:** Manchester

**ON:** 20 September 2019

**BEFORE:** Employment Judge Holmes

## REPRESENTATION:

**Claimant:** Not in attendance or represented

**Respondent:** Not in attendance or represented

# JUDGMENT

The judgment of the Tribunal is that:

**Unless by 6 November 2019** the claimant explains to the Tribunal the reasons why he failed to attend or be represented at, or otherwise to communicate with the Tribunal in relation to, the hearing of his claims listed for 20 September 2019 at 10.00 a.m.,

the claimant's claims will be dismissed pursuant to Rule 47 of the 2013 Rules of Procedure.

# REASONS

1. The Tribunal today was listed to hear the claimant's complaints of unlawful deduction from wages. Notice of Hearing was sent to the parties on 12 March 2019. Further, the claimant's claim for a redundancy payment was struck out, and the judgment sent to him on 3 April 2019. Mention was made in that document of this hearing date.

2. Whilst the claimant indicated he would be out of the country from April for three months, he made no comment on the hearing date when it was sent to him.

3. The case was called on at 10.00 a.m., but neither party was present. A check was made again later in the morning, but no one had attended.

4. In these circumstances the Tribunal has power to dismiss the claimant's claims under Rule 47 of the Tribunal's rules of procedure, if that party does not attend or is represented at the hearing, provided that the Tribunal has first considered all the information which is available to it after any enquiries that may be practicable about the reason for the parties' absence.

5. The Tribunal did not make any enquiries at the time, but now gives the claimant this opportunity to explain his absence and lack of communication. If none is forthcoming, the Tribunal's ruling in relation to the claimant's claims will be that they are dismissed under Rule 47.

6. Should the claimant, however, satisfy the Tribunal that there was good reason for his absence, the respondent will be required to show cause why its response should not be struck out under rule 37 for its unreasonable conduct in not attending the hearing either, and/or (depending upon the position) for apparent breach of the Tribunal's orders made on 12 March 2019.

Employment Judge Holmes

Date: 20 September 2019

JUDGMENT AND REASONS SENT TO THE PARTIES ON

23 October 2019

FOR THE TRIBUNAL OFFICE