



THE EMPLOYMENT TRIBUNALS

Claimant: Mr M Young

Respondent: Hill Care Limited

Heard at: Teesside Justice Hearing Centre **On:** Monday 23rd September 2019

Before: Employment Judge Buzzard

Members: Mr S Whites
Mr KA Smith

Representation:

Claimant: No attendance, no appearance

Respondent: Mr McGlashan (Consultant)

JUDGMENT

The claimant's claims were all dismissed, pursuant to rule 47 of the Employment Tribunals Rules of Procedure 2013, following the non-attendance of the claimant.

REASONS

1. The claimant's claims were listed for final hearing of three days duration from 23rd – 25th September at Teesside Justice Hearing Centre, Teesside Magistrates Court, Victoria Square, Middlesbrough TS1 2AS, notice for hearing being issued to the parties on 13th February 2019.
2. The claimant, in correspondence with the tribunal has disputed receipt of this notification. He has also in correspondence, however, clearly acknowledged his awareness of these dates. This awareness appears to have arisen following correspondence from the respondent, dated 20th February 2019, which referred to the hearing date.
3. The respondent appears, following disputes between the parties regarding the processing for listing, to have sought confirmation from the tribunal that the

matter remained listed for today. Confirmation was sent to both parties as follows:

- 3.1. on 17th May 2019 upon the instruction of Employment Judge Arullendran; and
- 3.2. on 6th July 2019 upon the instruction of Employment Judge Johnson.
4. The claimant, on 27th July 2019, wrote to the tribunal. In that correspondence he refers specifically to this three-day listing for the hearing, from 23rd - 25th September 2019.
5. The claimant was e-mailed by the tribunal on 20th September 2019 to confirm the hearing would go ahead on 23rd September 2019 as listed. That e-mail was sent following failed attempts to contact the claimant by telephone.
6. When the case was called, at 10.00am, the claimant was not in attendance. Attempts to contact the claimant to ascertain the reasons for his non-attendance were unsuccessful. The claimant's phone was not answered and had no facility for leaving a message.
7. The respondent's representative confirmed that the claimant had not, contrary to the orders made in preparation for the hearing, provided them with a written witness statement. Further the respondent's representative stated he had not had any meaningful contact with the claimant for some time.
8. The Tribunal waited until 11:00am before acting. In the circumstances, given the lack of communication from the claimant and his non-attendance at the hearing, the unanimous decision of the tribunal was to dismiss all the claimant's claims pursuant to rule 47.

EMPLOYMENT JUDGE BUZZARD

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 8 October 2019**

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