



EMPLOYMENT TRIBUNALS

Claimant: Mr Istvan Nemeth

Respondent: Co-operative Group Limited

RECORD OF A HEARING

Heard at: Manchester (in public) **On:** 14 October 2019

Before: Employment Judge Hoey

Representatives

For the claimants: not present nor represented

For the respondent: Ms Nichols (counsel)

JUDGMENT

The claims are dismissed as a result of the the non-attendance of the claimant, reasonable enquiries having been made as to the position.

REASONS

1. This case called as a final Hearing. The parties were advised of the date of the hearing by letter dated 31 July 2019. The venue was confirmed by email to the parties on 11 October 2019. The start time of the Hearing was delayed due to other judicial business. When the case called at 1130am the claimant had not attended. My clerk telephoned the number contained within the ET1 for the claimant but to no avail.
2. The hearing proceeded at 12 noon in the absence of the claimant, with counsel for the respondent in attendance together with the respondent's witnesses.
3. In terms of Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 where a party fails to attend or be represented the Triunal may dismiss the claim, once it has considered the information available to it and make enquiries as to the claimant's absence.

4. Counsel for the respondent had indicated that in preparing for the hearing the respondent had discovered that there had been an administrative error such that the claimant was due the gross sum of £117.43 which the respondent was in the process of paying the claimant.
5. Having considered all of the information before me and in light of the absence of any reason for the claimant's absence, I decided it was in the interests of justice to dismiss the claim.
6. If the claimant has a good reason for nonattendance and wishes to pursue the claim, despite the payment made by the respondent, the claimant should consider rule 70 and 71 and seek a reconsideration of this judgment, providing reasons for the non-attendance.
7. Counsel for the respondent indicated that she was instructed to seek costs in respect of the hearing. That would cover the fee for her attendance. The respondent's witnesses were also in attendance and a bundle had been prepared. I indicated that if the respondent wishes to make such an application, it should be made in writing and copied to the claimant to allow the claimant to consider the application fully and provide a reasoned response.
8. The claims are accordingly dismissed.

Employment Judge Hoey

Date: 14 October 2019

REASONS SENT TO THE PARTIES ON

7 November 2019

FOR THE TRIBUNAL OFFICE