



EMPLOYMENT TRIBUNALS

Claimant: Mr Z Borkowski

Respondent: Raymond Wilfred Stalker

HELD AT: Liverpool

ON: 14 November 2019

BEFORE: Employment Judge Horne

REPRESENTATION:

Claimant: Did not attend and was not represented

Respondent: Did not attend and was not represented

JUDGMENT

The claim is dismissed.

REASONS

1. Rule 47 of the Employment Tribunal Rules of Procedure 2013 provides that, if a party fails to attend or be represented at the hearing, the tribunal may dismiss the claim. Before doing so, it must consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.
2. The 2013 Rules are subject to the overriding objective which requires, amongst other things, avoiding delay and dealing with cases in ways that are proportionate.
3. By a notice sent to the parties on 17 September 2019, the parties were informed that the hearing would take place at 10 o'clock on 14 November 2019.
4. At 11.21am on 13 November 2019, the respondent's representative e-mailed the tribunal to indicate that the respondent would be unable to attend "due to a family

matter". The e-mail made written representations about the correct identity of the claimant's employer.

5. In response to the e-mail, the tribunal sent an e-mail to the parties at 12.58pm. The e-mail indicated that the hearing would proceed on 14 November 2019.
6. Neither party attended or was represented at the scheduled time for hearing. The tribunal clerk attempted three times to telephone the claimant, but was unsuccessful. She left a message on the claimant's voicemail. By 12.30pm, the claimant had made no contact.
7. The claim cannot readily be determined on the papers. There are disputes about who employed the claimant and whether he worked his notice or not.
8. It would be disproportionate to re-list for another hearing.
9. The claim is therefore dismissed.

14 November 2019
Employment Judge Horne

SENT TO THE PARTIES ON
19 November 2019