



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Michalik

**Respondent:** HRB Hotel Company Limited

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**Heard at:** Birmingham

**On:** 22 November 2019

**Before:** Employment Judge Kelly

### JUDGMENT

**The judgment of the Tribunal is that:**

The Claimant's claims are dismissed on his non-attendance.

### REASONS

1. The claimant has not attended this Hearing.
2. Mindful of rule 47, we have considered whether we should dismiss the claim or proceed in the absence of the claimant. We have also considered if we should adjourn the Hearing.
3. We have made enquiries as to the claimant's absence. The Tribunal called the phone number for the claimant on its file. There was no response or facility to leave a message. The ringing tone indicated that the phone was abroad.
4. The respondent informed us that it sent the draft list of issues to the claimant yesterday by email and it had not received any indication that the claimant did not intend to attend the Hearing.
5. The Hearing was due to start at 2.00 and we waited until 2.30 before making any decision.
6. We consider that the claimant has acted unreasonably in failing to attend the Hearing. We consider it to be in line with the overriding objective, in

terms of dealing with issues in ways which are proportionate, avoiding delay and saving expense, to dismiss the claim.

**Signed by on 22 November 2019**  
Employment Judge Kelly