



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Krasauskas  
**Respondent:** SD Ramsden & Co. Limited (trading as Ramsden International)

## AT A HEARING

**Heard at:** Leeds by telephone conference call **On:** 18<sup>th</sup> May 2020  
**Before:** Employment Judge Lancaster

### Representation

**Claimant:** Did not attend  
**Respondent:** Ms D Middlemas, HR

## JUDGMENT

1. The name of the Respondent is amended to SD Ramsden & Co. Limited (trading as Ramsden International).
2. The claim is struck out as having no reasonable prospect of success.

## REASONS

1. The Claimant did not join in the telephone conference call at 10 o'clock. As he has given no telephone number he could not be spoken to. The dial-in instructions were re-sent by email with a revised time of 10.30. The Claimant has made no contact with the Tribunal to explain his non-attendance and neither did he join the telephone call as re-arranged.
2. Because all the relevant information is now before the Tribunal it is appropriate to proceed in the absence of the Claimant.
3. Having read the contemporaneous documents, and the record of the investigation by the agency which employed the Claimant, as provided by the Respondent I am perfectly satisfied that Kieron Smith is not, in fact, a relevant comparator.
4. He was not ever sent home at 12 noon on 30<sup>th</sup> January 2020. He was not therefore "reinstated" and allowed to return to work. The reason why he was not sent home in the first place was because he was not, in fact, implicated in the allegation made by Ms Marinho against the three men, including the Claimant who were ordered off site, with a "do not return (DNR)" instruction to the agency. Although there may have some initial confusion as to whether or not Mr Smith was also potentially subject to the accusation, Ms Marinho made it clear at the time that this was not actually the case. The Respondent acted upon that information, communicated at the time, in making the decision as to who should or should not be removed from

Case: 1801178/2020 (A)

site. It is also clear that the supervisor herself had had previous issues with the Claimant's attitude and behaviour, and did so again at around the time of this incident, which further differentiates him from Mr Smith.

5. It cannot reasonably be said therefore, that there is no material difference between the circumstances pertaining to the Claimant and to the alleged named comparator. Nor can it reasonably be said that there are any facts present in this situation from which the Tribunal could conclude that any difference in treatment was because of a difference in nationality.
6. There is therefore no reasonable prospect of this claim succeeding and it is struck out.

EMPLOYMENT JUDGE LANCASTER

DATE 18<sup>th</sup> May 2020