



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr O Nwanokwu

**Respondent:** Capital Interiors Ltd (in voluntary liquidation)

**Heard at:** London Central Employment Tribunal (in private; by telephone)

**On:** 3 August 2020

**Before:** Employment Judge Quill (sitting alone)

## Appearances

For the claimant: No appearance and no representation  
For the respondent: No appearance and no representation

# JUDGMENT

The claim is dismissed in accordance with Rule 47.

# REASONS

1. A hearing was listed to take place today. Parties had been aware that a full merits hearing had been due to take place since before the preliminary hearing which I conducted on 31 March 2020. At that preliminary hearing, and in the summary sent afterwards, the dates were confirmed.
2. Due to the pandemic, the parties were notified that the full merits hearing could not proceed today, but that a telephone hearing for case management would take place instead. Emails were sent to parties about the hearing, and case management generally, on 10 July (x2), 20 July and 24 July. The 24 July email confirmed the time, date and joining information for the hearing and requested a response by 31 July.
3. Neither party replied to any of these emails. I attended the telephone hearing today and neither side joined or sent an explanation. I arranged for 2 calls to be made to the phone number for the Claimant stated on the ET1, but he did not join the hearing.

4. At 10.11am, an email was sent to each party asking for a response by 10.45am to explain their absence, and/or to say if they would be able to join the hearing this morning.
5. The Respondent went into voluntary liquidation and in April the insolvency practitioner stated that the claim would not be defended. In a reply to the 10.11am email that position was confirmed.
6. There was no reply from the Claimant to the 10.11am email.
7. I am satisfied that reasonable enquiries have been made as to the reasons for the Claimant's non-attendance. I do not think that a postponement is appropriate, as there had already been, before today, unanswered correspondence, and there is insufficient reason for me to believe that further correspondence would be answered.
8. The Claimant (like the Respondent) breached the case management order requiring a written response to the 24 July email by 31 July 2020. That email warned that a dismissal of the claim would be a potential outcome of non-attendance at today's hearing and contained the text of Rules 21, 37 and 47.
9. In my judgment, taking into account the Claimant's non-attendance at the hearing today, and lack of response to previous correspondence, and lack of response to the attempts to contact him today, the claim is not being actively pursued and I therefore dismiss the claim in accordance with Rule 47.

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Employment Judge **QUILL**

Date: 3 August 2020

JUDGMENT WITH REASONS SENT TO THE PARTIES ON

03/08/2020

FOR THE TRIBUNAL OFFICE

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