



EMPLOYMENT TRIBUNALS

Claimant: Mr J S Belo

Respondent: Pizza Express (Restaurants) Ltd

Heard at: London Central

On: 22 September 2020

Before: Employment Judge H Grewal
Ms J Cameron and Mr A Adolphus

Representation

Claimant: No appearance

Respondent: Mr M Foster, Solicitor

JUDGMENT

The claim is dismissed.

REASONS

1 The Claimant did not attend the hearing today. He had been sent notice of the hearing today on 28 January 2020 and again on 18 May after the preliminary hearing on 15 May 2020. The fact that the case was due to be heard today had been referred to in numerous emails from the Respondent to him and to the Tribunal, which had been copied to him. When the Tribunal clerk telephoned the Claimant this morning he said that he had been told by ACAS that the case would be heard on 29 September. We did not find that to be credible. There was no reason why ACAS would have contacted him about the hearing date or given him that date. If he had received any such communication we would have expected that, in light of the large

number of communications from the Tribunal and the Respondent giving a different date, that he would have queried it.

2 The Claimant has not complied with the Tribunal's orders. He did not send the Respondent his witness statement and did not disclose any documents. He said that he had instructed a solicitor (a Mr Fox) to represent him and that his solicitor had been in contact with the Respondent's solicitor. Mr Foster confirmed that neither the Claimant nor any solicitor acting for him had been in touch with him. The Claimant has not informed the Tribunal that he had a solicitor acting for him and no solicitor had written to the Tribunal asking to be put on record as his representative.

3 The Respondent sent the Claimant its witness statements and a bundle of documents. It attended today with its witnesses ready to proceed with the hearing.

4 The Claimant had not provided a satisfactory or credible explanation for his non-attendance. He had not complied with the Tribunal's orders. The Respondent was present and ready to proceed. It was not in accordance with the overriding objective to adjourn the case and to re-list it to be heard in May 2021 (which was the earliest date for when it could be re-listed). Under rule 47 of the Employment Tribunal's Rules of Procedure 2013 if a party fails to attend or be represented at the hearing the Tribunal may dismiss the claim. Having considered all the information available to us, we decided for the reasons set out above to dismiss the claim.

Employment Judge - Grewal

Date : 22nd Sept 2020

JUDGMENT & REASONS SENT TO THE PARTIES ON

22/09/2020.....

FOR THE TRIBUNAL OFFICE