



EMPLOYMENT TRIBUNALS

Claimant *Mr G Goda*

Respondent *Izakaya Soho Ltd*

HELD AT: London Central
August 2020

ON: 17

BEFORE: Employment Judge D A Pearl (sitting alone)

Representation:

For Claimants: Does not appear and is not represented

For Respondent: Mr R Prais (Solicitor)

JUDGMENT

1. Pursuant to rules 37(1)(d) and 47 of the Procedure Rules 2013 the claim is dismissed.

REASONS

1. This is a wages claim and, although it is possible to infer the potential basis on which it is advanced, it is not clear from the file quite how the Claimant would have argued the matter. On 27 January 2020 at a case management hearing he was ordered (as was the Respondent) to exchange witness statements before 16 March 2020.

2. The Respondent's solicitor drew to the Claimant's attention on 26 March that no statement had been received. On 11 August, in the absence of any communication from the Claimant at all, the solicitor wrote again to say that in these circumstances an application to strike out the claim would be made at today's hearing.

3. The Claimant has not attended. As far as I can ascertain with the staff, he has made no attempt to communicate with the tribunal. In these circumstances the only just result, in my view, is that the claim is dismissed. As I have observed it is not clear how the matter would be argued by the Claimant.

What is certain is that some evidence as to the events surrounding his employment with the Respondent is essential for his claim to be understood. The chronology indicates with some clarity that the claim has not been actively pursued. Had it been, he would have exchanged a witness statement and if there was any reason why this could not be done, he would have communicated with the Respondent. He was warned last week that he remained in default and he might have responded to that email. In any event, there is no explanation of why he has not appeared today. He falls squarely within rule 37(1)(d) as well as rule 47 and his claim must be dismissed.

Employment Judge Pearl

Dated: 25/10/2020

Reasons sent to the parties on:

26/10/2020

For the Tribunal Office