



EMPLOYMENT TRIBUNALS

Claimant: Mr N Patel

Respondent: Samedan Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Heard at: London South (by video conference) **On:** 22 January 2021

Before: Employment Judge Kelly (sitting alone)

Appearances

For the claimant: No attendance

For the respondent: Mr F Moreton of counsel

JUDGMENT

The judgment of the Tribunal is that:

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

REASONS

1. This Hearing was held by video conference (CVP) – code V, it being impracticable due to Covid restrictions to hear it in person, and no party having objected to this. At the preliminary hearing on 10 August 2020, the tribunal had advised the parties to be ready for a video hearing and to consider the practicalities of this.
2. The claimant has not attended this Hearing which was listed to start at 10.30am.
3. 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.
4. We have made enquiries as to the claimant's absence.
 - a. The respondent informed us that the last correspondence it received from the claimant was an email of 29 Nov 2019. The respondent said

that it tried to agree the bundle for this Hearing with the claimant and the agenda, but the claimant did not respond. This morning, the respondent sent further documents to the claimant, but the claimant did not respond.

- b. The tribunal attempted to call the claimant this morning at 10.50am and 11.20am. The mobile number was no longer working and the landline gave a tone indicating that it was no longer in use.
5. We consider that the claimant has acted unreasonably in failing to attend the Hearing without notification or explanation. 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.
6. We note that the respondent informed us that it may, if it considers it appropriate, make an application for costs in accordance with the Tribunal Rules.

Employment Judge Kelly

Signed on: 22 January 2021