



EMPLOYMENT TRIBUNALS

Claimants

Respondent

(1) Mrs D Alouakh
(2) Mr L Kaminskas

v

Adelie Foods Ltd (in administration)

Heard at: Watford, via CVP

On: 26 April 2021

Before: Employment Judge Hyams

Members: Mr C Surrey
Mr J Vaghela

Appearances:

For the claimant: Not present or represented

For the respondent: Not present or represented

JUDGMENT

The claimants' claims in respect of their wages are dismissed.

REASONS

- 1 This was originally a claim made by many claimants. All but two of them had withdrawn their claims by the time that the hearing of 26 April 2021 took place. The hearing of that day was intended to determine those final two claims, i.e. of the claimants named above.
- 2 The respondent is in administration, and the administrators had, before the hearing of 26 April 2021, informed the tribunal and the claimants that the administrators would not be present at the hearing.
- 3 There was a preliminary hearing before Employment Judge Quill on 19 April 2021 at which neither claimant attended. Judge Quill declined to dismiss the claims on that day because he was not satisfied that the first claimant

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understood the need to attend and that the second claimant had been sent notice of that hearing.

- 4 Neither claimant attended the hearing before us on 26 April 2021. We could see that the first claimant had received notice of the hearing, but we were not sure that the second claimant had received such notice. In any event, in the circumstances, rule 47 of the Employment Tribunals Rules of Procedure 2013 (“the 2013 Rules”) applied. That provides:

“If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party’s absence.”

- 5 We concluded that neither claimant was pressing his or her claim and that we should accordingly dismiss the claims, but that if either claimant had in fact intended to press his or her claim and had a good reason for not attending the hearing of 26 April 2021 (such as that he or she had not received notice of the hearing), then he or she could apply for a reconsideration of our judgment, under rule 71 of the 2013 Rules.

Employment Judge Hyams

Date: 30 April 2021

JUDGMENT SENT TO THE PARTIES ON

.....01/07/2021.....

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FOR THE TRIBUNAL OFFICE