



EMPLOYMENT TRIBUNALS

Claimant: Mr M Hala
Respondent: Caffe Concerto Ltd

Heard at: London Central (remotely by CVP)
On: 31 August 2021

Before: Employment Judge Heath

Representation

Claimant: No attendance
Respondent: Miss J Platt

JUDGMENT

On the claimant's failure to attend the hearing, the claimant's claim is dismissed under Rule 47 Employment Tribunals (Constitution and Rule of Procedure) Regulations 2013 ("ET Rules").

COMMENTARY

1. This matter was listed for a Full Merits Hearing for today by way of Notice of Hearing sent to the parties on 3 August 2021. The parties were also emailed instructions for joining the CVP hearing on Friday 27 August 2021 at 3.24 PM, which instructed them to access the CVP room at 1.40 PM.
2. At 1.59 PM I was emailed by the clerk to tell me that the claimant had not arrived and that she was going to try to telephone him. The tribunal clerk tried to telephone the claimant 3 times, each time the call going straight to voicemail, and sent him an email to remind him of the hearing. At 2.13 PM the claimant still had not responded to the email, and had not attended the hearing.
3. I therefore decided to start the hearing and ask the respondent and its representative if they could shed any light on the claimant's non-attendance. No-one knew anything that might help.
4. I reminded Miss Platt of the provisions of Rule 47 ET Rules, and asked her if she had any views about whether to proceed in the claimant's absence or for the tribunal to dismiss the claim. She favoured dismissing the claim.
5. Accordingly, as the claimant had not attended by 2.19 PM, had not

contacted the tribunal about his non-attendance, and given the clerk's unsuccessful efforts to contact the claimant and the respondent's lack of knowledge about his non-attendance, and having regard to the overriding objective, I considered it appropriate to dismiss the claim.

Employment Judge **Heath**

Date 31 August 2021_____

JUDGMENT SENT TO THE PARTIES ON

31/08/2021.

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.