



EMPLOYMENT TRIBUNALS

Claimant: Mr S Sagoo

Respondent: Independent Reworks Limited

Before: Employment Judge J Jones

Sitting at: Birmingham Employment Tribunal **On:** 22 October 2021

Appearances

Claimant: No attendance

Respondent: Mr Binning, Director

JUDGMENT

The claim is struck out.

REASONS

1. This claim for unpaid wages and holiday pay is of longstanding, having been lodged on 25 March 2019. Since then, there have been 3 hearings – today was due to be the 4th.
2. On 10 July 2019 Employment Judge Reed dealt with the issue of employment status as a preliminary issue and found that the claimant had been a worker. He gave directions for the preparation of the substantive issues in the case as the documentation was not in a condition at that hearing to enable him to deal with the merits.
3. On 17 January 2020 Employment Judge Meichen postponed the claim and made unless orders due to the inadequate preparation and the failure to comply with the Orders of Employment Judge Reed by the respondent.

4. On 4 June 2021 the hearing was re-scheduled to take place by video (CVP). Employment Judge Self postponed that hearing and ordered that it take place in person due to the dispute between the parties as to what documentation had been exchanged, which it was not possible to resolve via video with a poor connection.

5. The claimant was not in attendance at the outset of the hearing today. The Tribunal clerk made enquiries of him by telephone and was advised that he was parking his car but intended to attend the hearing and would be present shortly.

6. At approximately 10.15am the Claimant attended the Tribunal. The HMCTS site security supervisor assessed that the Claimant was under the influence of significant alcohol and advised the Tribunal that it was not appropriate for him to be permitted entry to the Tribunal. The claimant left the building.

7. In the circumstances, the Tribunal concluded that the manner in which the proceedings had been conducted by the claimant was unreasonable and/or the claim had not been actively pursued and that it was appropriate for the claim to be struck out.

**Employment Judge J Jones
22 October 2021**