



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S Hussain  
**Respondent:** Chawerma Ltd  
**Heard at:** Watford Employment Tribunal (in public; in person)  
**On:** 9 December 2021  
**Before:** Employment Judge Quill (Sitting Alone)

## Appearances

For the Claimant: No appearance or representation  
For the respondent: No appearance or representation

## JUDGMENT

1. The claim is dismissed.

## REASONS

1. This was due to be a one hour hearing starting at 12pm. In accordance with Rule 21, the Respondent had the right to be notified of the hearing, and to attend, but, since it had not entered a response (within the required time limit, or at all) was only entitled to participate in the hearing to the extent which I permitted.
2. Neither party having arrived by 12pm, attempts were made to contact the Claimant by phone. Two voicemails were left on the Claimant's mobile number, as the phone was not answered. It did not go straight to voicemail, but rather rang out and there was no reply. Both messages instructed him to telephone the tribunal. The second (left by me) told him that he must either phone or email within the next few minutes if he wished the case to be heard.
3. In the circumstances (the Claimant's non-attendance, and the fact that no response had been entered), I did not consider it necessary to attempt to contact the Respondent.
4. By 12.20pm, neither party had arrived or provided an explanation for their non-attendance. By 2pm, no messages had been received by phone or email.

5. I am satisfied that the notice of hearing was correctly sent to the Claimant and that it contained clear instructions about today's hearing.
6. I considered whether I should proceed with the hearing in the Claimant's absence, and decide whether to issue judgment in the claimant's favour based on the material on the tribunal file. However, there has been no change of circumstances (and no additional correspondence) since a judge decided, on 22 June 2021, that a hearing was required. Had the Claimant attended, I had been intending to ask him some brief questions on oath and, if he had brought them, to inspect the bank statements he had mentioned.
7. I also considered whether I should postpone the hearing. However, given the lack of explanation for the non-attendance today, I have insufficient reasons to expect that the Claimant (or the Respondent, though that is less important) would attend on a later date. A postponement is therefore not proportionate.
8. Therefore, for the reasons stated above, I decided to dismiss the claim in accordance with Rule 47.

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**Employment Judge Quill**

Date: 9 December 2021

JUDGMENT SENT TO THE PARTIES ON

13/1/2022

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FOR THE TRIBUNAL OFFICE

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