



# EMPLOYMENT TRIBUNALS

**Claimant:**

Mr A Matusoiuu

v

**Respondent:**

W H Brakspear & Sons Limited  
t/a The Golden Ball Pub

**Heard:**

Reading (by video)

**On:** 31 January 2022

**Before:**

Employment Judge Hawksworth (sitting alone)

**Appearances**

**For the Claimant:** No attendance or representation

**For the Respondent:** Mr D Bigley (operations manager)

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013

1. The respondent does not dispute the claims for notice and holiday pay. The respondent is ordered to pay the claimant the sums of £519.23 notice pay and £167.19 pay for untaken holiday.
2. The claimant's remaining claims are dismissed under rule 47.

## REASONS

1. The claimant was employed by the respondent, a pub in Maidenhead, as a sous-chef, from 10 August 2020 until 7 September 2020. Early conciliation started on 14 September 2020 and ended on 14 October 2020. The claim form was submitted on 16 October 2020. The claimant complains of automatic unfair dismissal for health and safety reasons and for making protected disclosures. He also brings pay claims.
2. The response was submitted on 8 December 2020. The respondent accepts the claims for notice pay and holiday pay but otherwise defends the claim.
3. The tribunal set 1 October 2021 as the date for the hearing and made case management orders on 20 February 2021. Case management orders are steps the tribunal orders the parties to take to prepare for the hearing. The orders in this case included an order for the claimant to explain how much

compensation he was claiming by 22 March 2021 and for both parties to send each other copies of all relevant documents by 5 April 2021.

4. The claimant did not take the steps ordered by the tribunal. The respondent sent the claimant its documents on 5 April 2021.
5. On 25 July 2021 the tribunal sent the claimant a letter saying it was considering striking out his claim (that means not allowing it to proceed). This because he had not taken the steps the tribunal ordered on 20 February 2021 and it appeared that he was not actively pursuing his claim.
6. The claimant replied on 6 August 2021 to say that he had had health problems and that he would deal with the order of the tribunal of 20 February 2021. The claimant still did not comply with the orders.
7. On 21 September 2021 the tribunal wrote to the claimant to ask whether he had now complied with the orders of 20 February 2021. The claimant replied on 21 September 2021 to say that he is not so good with court documents. He asked if somebody would explain.
8. The hearing on 1 October 2021 was changed to a case management hearing. This was to allow the tribunal to explain to the parties the case management steps which they must take to prepare for the hearing. The hearing date had to be changed because there were not enough judges available. The new hearing date was today, 31 January 2022. The hearing took place by video.
9. The claimant did not attend the hearing today. He had not joined the video hearing by 10.00am. The tribunal administration called the claimant at 10.05am but there was no answer. I waited until after 10.10am to start the hearing. The claimant had still not joined the hearing by then.
10. The respondent's operations manager Mr Bigley attended the hearing and confirmed that the respondent does not dispute the claims for notice pay and holiday pay. I have made an order for the respondent to pay the claimant the sums owing in those claims.
11. I have to decide what to do about the remaining claims. Rule 47 of the Employment Tribunal Rules of Procedure 2013 says that if a party fails to attend a hearing, the tribunal can dismiss the claim or proceed with the hearing in the absence of the party.
12. In this case, it would not be helpful to proceed with the case management hearing in the claimant's absence, because the reason for the hearing was to explain the case management orders to the claimant, as he had requested, and he was not at the hearing.
13. I decided that it would not be fair to the respondent to reschedule the hearing, because this would result in further delay. The claimant has not taken any of the steps ordered by the tribunal. He has not attended the hearing today. He has not explained why he has not attended today. It is not clear that he would attend any rescheduled date.

14. I decided that the claimant has not actively pursued his claim and that the claim (other than the claims for notice pay and holiday pay) should be dismissed under rule 47.

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**Employment Judge Hawsworth**

Date: 31 January 2022

Sent to the parties on:.

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For the Tribunal Office

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