



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr Nirav Patel

v Bobby's Property Services Limited

Heard at: Watford

On: 18 March 2022

Before: Employment Judge Andrew Clarke QC

Appearances

For the Claimant: No attendance

For the Respondent: No attendance

JUDGMENT

1. Pursuant to Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the claim is dismissed in its entirety the claimant having failed to attend or to be represented at the hearing on 18 March 2022.

REASONS

1. The claim was commenced on 12 June 2021 after a period of early conciliation commenced on 23 May 2021 and resulting in a certificate issued on 11 June 2021.
2. In the claim form the claimant asserted that he was owed "other payments" and stated that he had worked and not received payment. He made reference in the narrative to being paid weekly, to the respondent explaining a failure to pay on the basis that the client had not paid, which failure to pay was said to include overtime. No information was provided in section 5 of the claim form (relating to employment details) or in section 6 of the claim form (relating to earnings and benefits).
3. The address given for the respondent appeared to be a residential dwelling. The company's name was the subject of a Companies House search and this yielded a registered address at 31 North Road, Feltham. The tribunal had initially sent the usual forms to the residential address, but subsequently corresponded with the Feltham address. Communications to neither address yielded any response.
4. On 26 September 2021 the tribunal wrote to the claimant pointing out that it was now in a position to issue a default judgment, there having been no response to the claim on behalf of the respondent. That letter also pointed out that as the claim form did not provide any information as to the claimant's earnings and what sums were being claimed and how those

sums were calculated, it would be necessary for the claimant to provide further information.

5. The letter of 26 September proceeded on the basis that the claimant was (or might be) claiming arrears of wages, accrued holiday pay and notice pay. However, I observe that the claim form makes no reference to notice pay, or to holiday pay.
6. The claimant was asked to provide, by 11 October, written responses to a series of questions designed to illicit what he was claiming under various headings and how those sums were calculated. No response was received to that letter.
7. As a result, by a letter of 2 February 2022 the parties were informed of the hearing today which was “to hear the evidence and decide financial compensation or other remedy.” No response was received to that letter. A reminder letter was sent to the parties by post dated 16 March 2022. Given the date of the letter, I note that it may well be that neither party received it in advance of the hearing.
8. Neither party attended the hearing on 18 March. The tribunal had a mobile telephone number for the claimant. A previous attempt to contact him using that number had been unsuccessful, but an attempt on 18 March succeeded. He informed the clerk that he did not intend to attend the tribunal as he was at work. He did not suggest that he was unaware that the hearing was to take place. He initially said that he had been paid the sums in question, but subsequently stated that he had only been paid half of what he considered that he was owed. He was asked urgently to set out by email whether or not he wished to continue with the claim. Whilst he indicated that he did wish to continue with it when speaking to the clerk, no email has yet been received, some two hours after he should have attended at the tribunal.
9. In the circumstances of the claimant’s non-attendance in the above circumstances, I consider it appropriate to dismiss the claim. I have considered whether in the light of the information set out above, some other course should be adopted. I do not consider that any other course is appropriate. This is a claimant that failed to provide appropriate information as to his claim on the claim form, failed to respond to a detailed request from the Tribunal asking for that information and has failed to attend the hearing because he is at work.
10. In the circumstances this claim is dismissed in its entirety.

Employment Judge Andrew Clarke QC

Date: 1/4/2022

Sent to the parties on: 7/4/2022

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Case Number: 3311596/2021

For the Tribunal Office