



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr D F Rusu

v

WGC Limited

Heard at: London Central (By CVP)

On: 30 May 2022

Before: Employment Judge B Beyzade

Representation

For the Claimant: Not present and not represented

For the Respondent: Ms F Henry, HR Director

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the tribunal is that:

1. The claimant being neither present nor represented at a point in excess of 60 minutes after the time set for Preliminary Hearing and there being no answer on the telephone number furnished by the claimant for the purposes of the Tribunal communicating with him and the claimant not having otherwise communicated with the Tribunal; on the respondent's application made at the Bar, the Tribunal dismisses the claim in terms of *Rule of Procedure 47 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013*.

Reasons

1. The claimant lodged a claim for unfair dismissal, sex discrimination, sexual orientation discrimination and arrears of pay on 28 January 2022, which the respondent defended.
2. By Order dated 22 March 2022 the Preliminary Hearing Listing on 28 April 2022 was postponed following representations made by the parties and re-listed on 30 May 2022.
3. Notice of Hearing was sent to the parties on 22 March 2022 requiring parties to attend a Preliminary Hearing on 30 May 2022 by Cloud Video Platform (“CVP”) at 11.30am.
4. Parties were sent log-in details for the CVP Hearing on 30 May 2022 on Friday 27 May 2022.
5. The claimant sent an email to the Tribunal on 28 May 2022 at 06.29am in relation to not attending the hearing listed on 30 May 2022.
6. On the morning of 30 May 2022 at 09.37am the Clerk to the Tribunal sent a letter to the claimant requiring that he attends the listed hearing today and advising the claimant that if he did not attend, the claim may be dismissed under Rule 47 of the Employment Tribunal Rules.
7. The case called for Preliminary Hearing at London Central Employment Tribunal by CVP on 30 May 2022 at 11.30am.
8. The respondent’s representative, Ms Flic Henry, HR Director was in attendance on behalf of the respondent. Mr Rob McKellar-Turner, HR Manager attended as an observer.
9. There was no appearance for or on behalf of the claimant.
10. The case file records that Notice of the date and time set down for Hearing was sent to the claimant on 22 March 2022 at the correspondence address provided by him to the Employment Tribunal for the purposes of receiving such communications. No return of the Notice of Hearing issued to the claimant has been received by the Tribunal.
11. On the sitting Judge’s directions the Clerk checked and confirmed that no contact had been made by the claimant with the Tribunal in connection with the Hearing.

12. On the sitting Judge's direction the Clerk attempted to communicate with the claimant on the telephone number provided by the Claimant for that purpose, at approximately 11.59am. A voicemail message was left advising the claimant if he did not log-in to the Hearing by 12.10pm the Hearing will proceed in his absence. The Claimant was also sent an email by the Clerk at 12.02pm requiring the claimant to log-in and attend the hearing by 12.10pm and in default of which the Hearing will proceed in his absence.
13. The Tribunal sat at 11.40am and then adjourned and sat again at 12.09pm to afford the claimant the opportunity to attend (though late) or to communicate with the Tribunal regarding his non-attendance. After a brief adjournment at 12.30pm, the Tribunal reconvened.
14. At 12.43pm and on the assumption that by his unexplained non-attendance the claimant sought to communicate an intention not to insist upon his claim, and on the respondent's application the Tribunal dismissed the claim in terms of *Rule of Procedure 47 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013*.

Employment Judge B Beyzade

Dated: 30 May 2022

Sent to the parties on:

31/05/2022..

For the Tribunal Office