



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Szymon Sieja

**Respondent:** Kovacs Group Limited

**HEARD AT:** Cambridge: 13 June 2022

**BEFORE:** Employment Judge Michell, Mr J Williams; Mr S Holford

**REPRESENTATION:** For the Claimant: No appearance or representation  
For the Respondent: Mr R Kovacs (director)

## JUDGMENT

Each the Claimant's claims against the Respondent are dismissed.

## REASONS

### **BACKGROUND**

1. The claimant worked for a third party via the respondent as a warehouse operative between 13 May and 11 July 2020. By an ET1 presented to the tribunal on 5 July 2020, and following early conciliation, he brought various claims, including of direct race discrimination/harassment and unlawful deduction of wages. A preliminary hearing took place before Employment Judge Quill on 27 September 2021, where Mr R Ryan (director/owner) appeared for the respondent and the claimant appeared in person. The issues were refined, and clarified, and parts of the claim were dismissed

on withdrawal. The judge gave various directions to the parties, including preparation of a bundle (by the claimant) and witness statements (by both parties).

## **HEARING**

2. Today was a remote hearing on the papers, which has not been objected to by the parties. The form of remote hearing was by CVP. A face to face hearing was not held because it was not practicable and all issues could be determined at a remote hearing.
3. The tribunal was not provided with either a hearing bundle or any witness statements. This is because the parties had not prepared them. Mr Kovacs supplied us with a few documents, but not the ones the parties had been ordered to provide. Indeed, Mr Kovacs told us he had not read the case management order of 27 September 2021. This was not helpful.
4. The claimant did not attend. He gave no notice to the tribunal of his non-attendance. Mr Kovacs was asked by us whether or not he knew anything about the claimant's non-attendance. He said he had "no idea". He told us that he had spoken with the claimant on the telephone about eight months ago, at which point the claimant had indicated that he was not intending on being at the final hearing. Mr Kovacs opined that the claimant had "gone home" (i.e. returned to Poland). Mr Kovacs provided the tribunal with a telephone number for the claimant. Attempts by the clerk to contact the claimant during the hearing using that number were not successful.
5. Accordingly, we considered the claim ought to be dismissed upon the non-attendance of the claimant, it appearing to us that the claim was not being actively pursued by him and no reasons for his absence having been given.
6. For future reference, it might have been useful for the respondent to have attempted to make contact with the claimant during the last eight months, in order to ascertain

whether or not he wished to pursue the claim -and if so, what he intended to do about compliance with the directions.

---

Employment Judge Michell, Cambridge

13/6/2022

JUDGMENT SENT TO THE PARTIES ON

23/6/2022

N Gotecha

FOR THE SECRETARY TO THE TRIBUNAL

