



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr McCabe Jones

**Respondent:** JD Sports Fashion PLC

**Heard at:** Cardiff via video platform      **On:** 28 July 2022

**Before:** Employment Judge Ward

UPON APPLICATION made by letter dated 14 July 2021 to reconsider the judgment dated 30 June 2021 under rule 71 of the Employment Tribunals Rules of Procedure 2013.

## JUDGMENT

The judgment is confirmed.  
The claim is dismissed.

## REASONS

1. Upon enquiries made at today's hearing the Claimant advised that he had been called into work and could not attend. I decided to proceed in his absence and consider the application for reconsideration. I relied on his application dated 14 July 2021 (no witnesses statement had been provided) and heard submissions from the Respondents representative.
2. The reasons for seeking a reconsideration relate to proceeding in his absence on Wednesday 30 June 2021 and his awareness of that hearing date.
3. The claim was dismissed at a hearing on 30 June following non attendance of the Claimant under Rule 47 Employment Tribunals Rules of Procedure 2013.

4. The Claimant contacted the Tribunal, aware of the hearing following a discussion with the Respondent's representative, on 28 June 2021. He advised that he couldn't attend due to an audit. The hearing was to consider his application to extend time and therefore could not proceed in his absence. A dismissal of the claim was therefore appropriate.
5. Correspondence with the Claimant has been via email, the same address has been used throughout the claim and was used today to contact him.
6. Notification of the 30 June Hearing was sent to that email address on 7 January 2021 and the hearing today sent on 28 April 2022.
7. There was no evidence before the Tribunal that the Claimant was not aware of the hearing dates. Although there is great sympathy in working full time and seeking leave to attend a Tribunal Hearing, prior notice was given in sufficient time to organise the time off.
8. It is therefore not in the interests of justice to revoke the judgement.

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Employment Judge Ward  
Dated: 29/7/2022

JUDGMENT SENT TO THE PARTIES ON 1 August 2022

FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS Mr N Roche

**NOTE:**

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.