



EMPLOYMENT TRIBUNALS

Claimant: Mr F Scattino

Respondent: Protrans Logistics Ltd.

Heard at: East London Hearing Centre (by CVP)

On: 12 September 2022

Before: Tribunal Judge Overton acting as, an Employment Judge

Representation:

For the Claimant: Not in attendance

For the Respondent: Mr V Chiriac, Director

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was by Cloud Video Platform. A face to face hearing was not held because the relevant matters could be determined in a remote hearing.

JUDGMENT

The claim is struck out and dismissed.

REASONS

1. The Claimant did not attend the open Preliminary Hearing listed for 12 September 2022 at 10am by video, to decide the issue of employment status. An attempt was made to contact the Claimant by email and by leaving a voicemail on the Claimant's telephone. When the Claimant had not attended by 10.45am the Tribunal made the decision to strike out the claim on the grounds for non-compliance with an order of the Tribunal (rule 37(c) of the Employment Tribunal Rules of Procedure) and that the claim has not been actively pursued (rule 37(d)). In the alternative, the claim would have been dismissed under rule 47 for non-attendance at the hearing.

2. The Tribunal was satisfied that the Claimant had received notice of the video hearing by correspondence from the Employment Tribunal dated 30 May 2022 and 11 June 2022.
3. The Respondent was represented at the hearing.
4. The Respondent had posted to the Claimant copies of its documents for the hearing on 9th July 2022. It also sent a copy of the Respondent's bundle and witness statement to the Claimant on 5th September. The Claimant did not comply with the Preliminary Hearing Orders to provide a statement of remedy, disclose documents and prepare witness statements and had not made contact with the Respondent or the Tribunal since lodging his ET1 in April 2022.
5. The Respondent informed the Tribunal that it had heard from a subcontractor and acquaintance of the Claimant that the Claimant was not in the UK although it was not known when the Claimant had left the UK or for how long and the Respondent was not in a position to confirm that this was the case.
6. In the absence of any contact from the Claimant the Tribunal strikes out and dismisses the claim in its entirety.

**Tribunal Judge Overton acting as,
an Employment Judge
Dated: 13 September 2022**