



EMPLOYMENT TRIBUNALS

Claimant: Mr G Horne

Respondent: Faulkner and Mason

Heard at: Manchester Employment Tribunal

On: 21 September 2022

Before: Employment Judge Dunlop

Representation

Claimant: No attendance

Respondent: No attendance

JUDGMENT

1. The claimant's claim is dismissed under Rule 47 of the Employment Tribunal Rules of Procedure 2019, because the claimant has not attended the hearing.

REASONS

2. The claimant has brought a claim for unpaid wages. The respondent's response states that the correct legal identity of the employer is JSM Recruitment Ltd t/a Faulkner and Mason. The response went on to say that the claimant had undertaken a short assignment with the respondent but no wages were paid because it transpired that the claimant was unable to provide appropriate documentation to evidence his rights work in the UK.
3. When the claim and response were considered by an Employment Judge at the initial vetting stage it was deemed appropriate to hold a preliminary case management hearing. This was because neither party was represented and neither appeared to have a grasp of the rather complicated legal arguments around bringing Employment Tribunal claims based on contracts which are (or are said to be) in some way illegal. The purpose of today's hearing was therefore to assist the parties in clarifying and

understanding the issues with a view to the matter being determined at a final hearing in due course.

4. In preparing for this hearing, it came to my attention that the claimant appears to have recently obtained rule 21 judgement against “Faulkner and Mason” from the Employment Tribunal in Bristol. I infer, although I cannot know for sure, that the sums set out in that Judgment are the same sums Mr Horne is seeking to claim in this claim. The existence of that Judgment and its impact on this claim would have been an important matter to discuss with the parties had they attended today.
5. As it transpired, neither party attended the hearing. The Tribunal clerk was able to contact Mr Horne who informed the clerk that he had been paid his money he therefore did not proposed to attend the hearing. I am told Mr Horne declined to e-mail the tribunal to confirm this and/or to withdraw his claim.
6. In these circumstances, I am satisfied that the most appropriate way forward is to dismiss the claim, as I am permitted to do by rule 47.

Employment Judge Dunlop

Date: 21 September 2022

SENT TO THE PARTIES ON

10 October 2022

FOR EMPLOYMENT TRIBUNALS

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