



EMPLOYMENT TRIBUNALS

Claimant:
Mr W Klamut

v

Respondent:
Calex UK Limited

Heard at: Reading (by CVP)

On: 20 October 2022

Before: Employment Judge Hawksworth

Appearances

For the claimant: No attendance or representation

For the respondent: Mr C Newton (Head of Apprenticeships)

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – rule 47

The claimant's claim is dismissed under rule 47.

REASONS

1. The claimant Mr Klamut was employed by the respondent from 22 July 2019 until he gave notice of resignation which took effect on 12 November 2021. Early conciliation started on 31 August 2021 and ended on 1 October 2021. The claim form was presented on 26 September 2021, during the claimant's notice period. It was not clear from the claim form what complaint the claimant wanted to bring.
2. A preliminary hearing for case management took place by telephone on 25 August 2022 before Employment Judge Gumbiti-Zimuto. He decided that a public preliminary hearing should be arranged to consider whether the employment tribunal has jurisdiction to consider the claimant's complaint (that means whether the tribunal is able to consider the complaint), having regard to the nature of the matters complained of. Put another way, the question is whether Mr Klamut is making a complaint which is one of those on the list of complaints the employment tribunal is allowed to consider.
3. The public preliminary hearing took place today before me, by video (CVP). It was due to start at 14.00.

4. When arranging the hearing today, Employment Judge Gumbiti-Zimuto made an order that by 13 October 2022 Mr Klamut and the respondent must send each other a document called a skeleton argument, setting out what they say about the question to be decided today. The respondent sent a statement to the tribunal. Mr Klamut did not send any document. He has not been in touch with the respondent since the last hearing.
5. Mr Newton and Mr Miell-Ingram attended the hearing today on behalf of the respondent. Mr Klamut did not attend. I waited until 14.20 to start the hearing but he had not arrived. He did not contact the tribunal to say why he was not attending. The tribunal clerk tried to reach him by phone but it diverted to voicemail and Mr Klamut did not reply to the message she left. The clerk also checked the tribunal inbox but no email had been received from Mr Klamut.
6. As Mr Klamut did not comply with the tribunal order and did not attend the hearing or contact the tribunal today, it seems that he has decided not to pursue his claim. In the circumstances, his claim is dismissed under rule 47 of the Employment Tribunal Rules of Procedure 2013. This rule relates to non-attendance at a hearing.
7. The dismissal of Mr Klamut's claim brings the claim to an end. This decision can be reconsidered if there is a good reason why Mr Klamut was unable to attend today. In that case, if he wants to ask for this decision to be reconsidered, Mr Klamut should write to the tribunal and Mr Newton, explaining why he did not attend and why he did not let the tribunal know that he was unable to attend.

Employment Judge Hawksworth

Date: 20 October 2022

Sent to the parties on: 30.10.2022

GDJ

For the Tribunal Office

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