



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Keith Harborne

**Respondent:** Powerleague Five Limited

## JUDGMENT ON PRELIMINARY HEARING

### Rule 47 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

**Heard at:** Birmingham in private by telephone

**On:** 21 February 2023

**Before:** Employment Judge L Knowles

#### Appearances

For the claimant: Did not attend

For the respondent: Mr E McFarlane, Litigation Consultant

## JUDGMENT

1. The correct respondent is "Powerleague Five Limited". I dismiss Mr Jeremy Male from the proceedings and substitute the correct party.
2. Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 provides:

#### **"Non-attendance**

**47.** If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence."

3. The claimant has failed to attend the scheduled Preliminary Hearing, having been properly notified in advance by a notice of hearing on 3<sup>rd</sup> November 2022. This notice was sent by post to the address for the Claimant on the ET1 form and is in line with the Claimant's stated preferred method of communication.

4. On 17<sup>th</sup> February 2023 the Claimant acknowledged receipt of an email from the Respondent's representative confirming the preliminary hearing on 21<sup>st</sup> February 2023 and attaching the bundle for that hearing.
5. The Tribunal clerk has contacted the mobile telephone number given by the Claimant in the ET1 claim. The mobile number was unanswered. A voice message was left; but has not been responded to.
6. Having considered all of the information available to the tribunal, I exercise my power under Rule 47 to dismiss the Claimant's claim forthwith in its entirety.

Employment Judge L Knowles

21 February 2023