



# EMPLOYMENT TRIBUNALS

**Claimant:** George Hale

**Respondent:** Stuart Wildman (sole trader) trading as Aqualympic

## JUDGMENT

The claim number 1804511/2022 is dismissed (struck out) pursuant to Rule 47.

## REASONS

1. We refer to the Notices of Hearing dated 17 January 2023 and 22 February 2023, listing a preliminary hearing for 24 February 2023.
2. The claimant failed to attend the preliminary hearing. Under Rule 47 of the Employment Tribunals Rules of Procedure 2013, where a party fails to attend a 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. No correspondence from the claimant has been addressed to the Tribunal since October 2022. The claimant failed to submit a response to the employer's contract claim brought against him, further to the Tribunal's letters of 24 October 2022 and 19 November 2022.
4. The Tribunal was copied on an email from the claimant in December 2022, to ACAS, in which he indicated he wished to continue his claim. The Tribunal accordingly listed a preliminary hearing.
5. The claimant has not applied to postpone the preliminary hearing or made any representations as to his absence at it. Attempts to reach him by telephone went unanswered.
6. The respondent attended the preliminary hearing and indicated he has not heard from the claimant since he brought his claim. The respondent has been actively participating in the claim.
7. The correct name of the respondent is Stuart Wildman (sole trader) trading as Aqualympic.

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8. The respondent was asked for his views on whether to dismiss the claim or proceed in the claimant's absence. The respondent's preference is that the claim be dismissed.
9. Taking into account the above and the overriding objective, the Tribunal concluded that the claimant's claim had not been actively pursued and decided to dismiss the claimant's claim, number 1804511/2022, with effect from 24 February 2023. The respondent's claim, claim number 1806582/2022, continues unless and until withdrawn by the respondent.
10. The respondent indicated that he planned to write in to the Tribunal to withdraw his employer's contract claim. The respondent preferred not to withdraw directly at the preliminary hearing, in case the Tribunal's decision to dismiss is reconsidered.

Employment Judge G Elliott

27 February 2023