



EMPLOYMENT TRIBUNALS

Claimant: Mr U Khaled

Respondent: M5 Experience Ltd

Heard at: Manchester Employment Tribunal (by video)

On: 15 March 2023

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 totaling £1,200. The respondent provided a response to the claim asserting that the claimant was not an employee and was not entitled to be paid the sums claimed.
3. The claim was listed for a final hearing today by video, the parties were sent a notice of hearing and dial-in details. Neither party attended. My clerk attempted to contact the parties by telephone but the claimant had not provided a phone number on his claim form. The clerk obtained no response from respondent's number.
4. The clerk then emailed the parties. A response was received from the claimant which stated:

Currently I am working and very busy, I will not be able to join the call at this given time due to work commitments.

Any other way we can arrange?

5. No response to the email was received from the respondent.
6. I note that the claimant made no attempt to apply to postpone the hearing in advance, or to inform the Tribunal he would have problems with attending. Further, neither side appear to have complied with the case management orders sent with the Notice of Hearing which set out the steps they needed to take to get the case ready for hearing. There is no bundle of evidence and no witness statements. The claimant has sent emails to the Tribunal asking for advice, but these seem to demonstrate that he has not taken the time to read the case management orders, despite these being drawn to his attention within the email correspondence.
7. Ultimately, if an individual wishes to bring a claim to the Tribunal, it is up to that individual to read the material provided by the Tribunal, comply with case management orders and do their best to ensure that the case is ready for hearing. It is also up to them to attend hearings, or make contact with the tribunal to explain any difficulties with attendance at an early point. The resources of the Tribunal are limited, and those resources have been wasted this afternoon as a result of this ineffective hearing.
8. In the circumstances, I have decided it would not be appropriate to re-list this hearing for another date and instead have decided that the most appropriate way forward is to dismiss the claim, as I am permitted to do by rule 47.

Employment Judge Dunlop
Date: 15 March 2023

SENT TO THE PARTIES ON
27 March 2023

FOR EMPLOYMENT TRIBUNALS

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.