



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr B Atagun  
**Respondent:** Barry Nunn  
**Heard at:** Watford Employment Tribunal (in public; in person)  
**On:** 19 April 2023  
**Before:** Employment Judge Quill (Sitting Alone)

## Appearances

For the Claimant: No Appearance or Representation  
For DHL Services Ltd: No Appearance or Representation

## JUDGMENT

1. The claim is dismissed.

## REASONS

2. Rule 47 states:

### 47. Non-attendance

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 did not attend and all practicable enquiries were made, without success. Yesterday, staff had sought to contact both parties to check they were attending. Emails from Ms S Nunn (the Respondent's representative) were received yesterday and at 04:58 today. There was no specific confirmation from the Claimant that he would attend.
4. Tribunal staff attempted to telephone the Claimant at 2pm, but his phone went straight to voicemail. He did not call back in response to the message which was left. He was not in the building prior to the start time of 2pm, or by 2.10pm. There was no message to explain his non-attendance.
5. The hearing had been previously due to take place in January, but was postponed at the Respondent's request. There was no contact from the Claimant in response to the Respondent's application. There is no record of the Claimant having contacted the Tribunal since he presented the claim.

6. In the circumstances, it was not necessary for me to make further enquiries about the Respondent's non-attendance. The Respondent's representative 4.58am email had stated that she should not be contacted by telephone (and gave a reason, which was consistent with what she had told the Tribunal on earlier occasions).
7. I decided that a postponement is not appropriate as there is no reason to think that the Claimant would attend the resumed hearing. I was satisfied that he had received plenty of notification of this hearing, both from what was sent to him in writing in January, and from staff's attempts to contact him this week.
8. I decided that I could not make a fair decision in the Claimant's absence. A hearing had been listed because the Respondent did not admit liability, and a decision on the merits, having heard evidence, was required.
9. Given the lack of response to previous correspondence, and the fact that the Claimant could not be contacted today, it is appropriate to dismiss the claim without requiring the Respondent or the Tribunal Service make further attempts to deal with litigation which the Claimant appears to have abandoned.

## **Employment Judge Quill**

Date: 19 April 2023

JUDGMENT SENT TO THE PARTIES ON

18/5/2023

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FOR THE TRIBUNAL OFFICE

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