



THE EMPLOYMENT TRIBUNALS

Claimant: Mr S Bistis

Respondent: Simply Greek (NE) Limited

Heard at: Newcastle Employment Tribunal

Sitting at: Civic Centre Newcastle

On: 3 April 2023

Before: Employment Judge Martin

Representation:

Claimant: No attendance or representation

Respondent: Mr W Oates (Director of respondent company)

JUDGMENT

This claimant's claims for Breach of the Working Time Regulations (holiday pay) and breach of contract (notice pay) are both dismissed

REASONS

The Tribunal considered Rule 47 of Schedule 1 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013. It noted that, if a party fails to attend or 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 making any enquiries that may be practicable, about the reasons for the party's absence.

Employment Judge Martin arranged for enquiries to be made off the claimant regarding his non- attendance, but no response or explanation was provided by him.

Employment Judge Martin also reviewed the information available, in particular the further information provided by the claimant, following the earlier order made on 14

October 2022. However, Employment Judge Martin considered that she would not be able to determine these claims based on that documentation without hearing evidence from the claimant. Employment Judge Martin concluded that there were issues in dispute regarding both claims, which could not be determined without hearing oral evidence. Accordingly, both claims are hereby dismissed.

EMPLOYMENT JUDGE MARTIN

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON
5 April 2023**

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.