



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Morris

**Respondent:** Drivers Direct Recruitment Agency Limited

**Heard at:** Bristol (by VHS)   **On:** 2 June 2023

**Before:** Employment Judge Box

**Representation**

**Claimant:** Did not attend

**Respondent:** Did not attend

## JUDGMENT

The claim against the Respondent is dismissed under rule 47, neither party having attended the hearing.

## REASONS

1. The Claimant notified ACAS of a dispute against the Respondent on 30 June 2022 and the certificate was issued on 4 July 2022.
2. The Respondent, in its response, denied that it was the Claimant's employer and said that he was employed by a Second Respondent, Fasciveal Limited. The Second Respondent was added to the claim. The Second Respondent accepted in its response it was the Claimant's employer.
3. On 27 March 2023 the Claimant entered into a COT 3 agreement with the Second Respondent and it was recorded that there was a full settlement in relation to it. As a consequence, the claim against the Second Respondent was withdrawn and it took no further part in the claim.
4. The Tribunal office telephoned the Claimant on 1 June 2023 about the hearing and the involvement of the First Respondent. The Claimant said words to the effect that 'I don't know why you are calling me this settled months ago.' He was asked if he had settled through ACAS and he said, 'he had completed all of the paperwork online and had received his

money.’ He followed it up with words to the effect of that he was not bothered.

5. The Respondent was informed by the Tribunal Office as to what had been said and they said that they were not expecting a hearing.
6. The Tribunal office e-mailed the Claimant on 1 June 2023 and said:

“It is understood that you are no longer pursuing your claim against Direct Drivers Recruitment Limited on the basis that you have now received your holiday pay from the other Respondent. Please would you confirm in writing that you have withdrawn the claim against Direct Drivers Recruitment Limited, **urgently and by return.**”

If this is done there will be no need to attend the hearing **tomorrow.**”

7. The Claimant replied by saying, “Hi spoken to 2 different people. If morals and principles were applied from the start. There would be no case. Please stop emailing and calling.”
8. Before the hearing on 2 June 2023, the Video Hearings Officer e-mailed both parties reminding them of the hearing.
9. Neither party attended the hearing. The Judge was satisfied that they both had notice of the hearing and that they considered the claim had been resolved and that neither intended to attend. The claim against the Respondent was therefore dismissed under Rule 47.

---

Employment Judge Bax  
Date 2 June 2023

Judgment & reasons sent to the Parties on 13 June 2023

For the Tribunal Office