



EMPLOYMENT TRIBUNALS

Claimant: Mr J Caine

Respondents: Hartwell Plc

Heard at: Watford Employment Tribunal

On: 31 May 2023

Before: EJ Margo

Representation

Claimant: No attendance

Respondent: Ms Georgina Forbes (In-house solicitor)

JUDGMENT

1. The Claimant's application for a postponement of the hearing is refused.
2. The claim against the Respondent for unpaid wages and commission is dismissed under Rule 47 of the ET Rules on the grounds of the Claimant's non-attendance.

REASONS

1. The Notice of Hearing was sent to the parties on 22 January 2023. The Claimant did not attend the hearing, that took place remotely by CVP. He sent an email to the Respondent at 08:26 on the morning of the hearing, that the Respondent, upon request, forwarded to the Tribunal. The email stated: *"I will not be attending the Tribunal this morning as unwell have emailed them letting them know as my hayfever is high I cannot open my eyes"*.
2. The email to the Tribunal was subsequently located and it simply read *"I will not be able to attend this morning due to illness. If you can confirm it will be rescheduled"*.

3. In my judgment, a simple statement by the Claimant that he is ill without the provision of any medical evidence or any further explanation of precisely why he is unable to attend the hearing or, indeed, why it is in the interests of justice (or consistent with the overriding objective) to postpone the hearing, is not sufficient to warrant the postponement of this hearing under Rule 30A of ET Rules. In other words, I am not satisfied that there are exceptional circumstances that justify the postponement of the hearing.
4. In reaching that decision I take into account the fact that the Claimant told the Respondent that he was suffering with hay fever and could not open his eyes – albeit that is information the Claimant did not provide to the Tribunal. Once again, for the reasons set out above, this is not in my judgment sufficient information to merit the postponement of this hearing.
5. Accordingly, the Claimant's postponement application is refused.
6. In accordance with Rule 47 of the ET Rules I considered whether the hearing should proceed in the Claimant's absence. I concluded it should not in circumstances where the burden was on the Claimant and the inevitable result of proceeding in his absence was that the claim would be dismissed in any event. As a result, the claim is dismissed under Rule 47 of the ET Rules for non-attendance by the Claimant.

Employment Judge **EJ Margo**

Date: 31 May 2023

JUDGMENT AND REASONS SENT TO THE PARTIES ON
24 June 2023

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FOR THE TRIBUNAL OFFICE

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