



EMPLOYMENT TRIBUNALS

Claimant: Mr P Hannington

Respondents: (1) Keystone Construction Services Ltd (in liquidation)
(2) The Secretary of State for Business Energy and Industrial Strategy

Heard at: Watford Employment Tribunal **On:** 30 May 2023

Before: EJ Margo

Representation

Claimant: No attendance

Respondent: Mr Parog Soni (Lay Representative)

JUDGMENT

1. The Claimant's claim against the Second Respondent for payment of monies from the National Insurance Fund and any claim the Claimant brings against the First Respondent for the payment of redundancy, holiday, notice or other elements of pay, is dismissed under Rule 47 of the ET Rules on the grounds of the Claimant's non-attendance.

REASONS

1. The parties were informed of the in-person hearing by a Notice of Hearing dated 10 January 2023. When the Claimant was not present by 10am, the clerk emailed him to seek confirmation as to whether he was attending. There is no phone number for the Claimant on the file. No response to that email was received.
2. At 10:30, I called Mr Soni into the Tribunal. He confirmed that he had spoken to the Claimant on 11 May 2023 in order to ensure that the Claimant was aware of the hearing. He asked the Claimant if he would prefer the hearing

to be converted to a remote hearing but the Claimant confirmed that he wanted to attend in person. On 19 May 2023, Mr Soni sent a hard copy of the Bundle to the Claimant and received confirmation through the tracking service that it had been received.

3. At 10:58 the Claimant sent an email to Mr Soni in which he said as follows: *“Unfortunately, due to a bereavment of a close friend, I will not be able to attend the hearing on the 30th May 2023”*. The email was not sent to or copied to the Tribunal. Mr Soni passed that email onto the Tribunal.
4. I note that the Claimant has not provided any information as to when his friend died or why, in specific terms, it has prevented him from attending the hearing. I note in addition that the Claimant did not suggest in his email to the Second Respondent that he wanted the hearing to be postponed or relisted.
5. Accordingly, the Claimant knew about the hearing but has failed to attend. Further, whilst the Claimant has provided an explanation for his non-attendance, it was only provided in summary terms to the Second Respondent at 11am on the morning of the hearing.
6. Given the above, and taking into account the fact that the burden is on the Claimant to prove his claim, and in particular to prove his employment status, I dismiss the Claimant’s claims for non-attendance under Rule 47.

Employment Judge **EJ Margo**

Date: 30 May 2023

JUDGMENT SENT TO THE PARTIES ON
24 June 2023

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FOR THE TRIBUNAL OFFICE

Note

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

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