



EMPLOYMENT TRIBUNALS

Claimant: Mr J Exall

Respondent: Ryan Dearlove

Heard at: Newcastle Employment Tribunal (remotely by CVP)

On: 03 July 2023

Before: Employment Judge Sweeney

Representation

Claimant: No attendance or representation

Respondent: No attendance or representation

JUDGMENT

The judgment of the Tribunal is that:

1. The proceedings are dismissed pursuant to Rule 47 of schedule 1 of the Employment tribunal rules of Procedure 2013.

REASONS

1. The Claimant presented a Claim Form on **13 April 2023** claiming:
 - 1.1 Unlawful deduction of wages in the amount of £189.
 - 1.2 A sum of money in the sum of £150 in respect of damage to a knife.
2. The proceedings were served on the Respondent on **04 May 2023**. On the same date the parties were issued with a Notice of Hearing of **03 July 2023**. Orders were made to enable the parties to prepare for the Final Hearing. No response to the Claim Form was returned by the Respondent. The Tribunal wrote to the Respondent on **06 June 2023** informing him that, as he had not entered a response, a judgment may be entered against him under rule 21 of the ET Rules of Procedure. The Tribunal also wrote to the Claimant to say that the hearing of **03 July 2023** remained listed to ascertain the basis of the Claimant's claims.

3. A CVP link was sent to the parties on Friday **30 June 2023**. When the time came for the parties to join the hearing there was no attendance by either of them. The clerk attempted to contact the Claimant three times by telephone but each time the call was cut off and she was unable to leave a message.
4. Rule 47 of the ET Rules of Procedure 2013 provides as follows:

“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 reason for the party’s absence.”
5. I could not be satisfied on the available information provided on the Claim Form to an extent where I could issue a judgment against the Respondent. The Claimant having failed to attend or send in any information in support of his claims pursuant to the orders made on **04 May 2023** and having unsuccessfully attempted to contact the Claimant, in the circumstances I considered the appropriate course of action to dismiss the claim in accordance with Rule 47.

Employment Judge Sweeney

Date: 3 July 2023