



# EMPLOYMENT TRIBUNALS

## Claimant

Mr S Nemeth

v

## Respondent

Conexim Solutions Ltd

**Heard at:** Bury St Edmunds

**On:** 6 September 2023

**Before:** Employment Judge K J Palmer

## Appearances

**For the Claimants:** No attendance

**For the Respondent:** No attendance

## JUDGMENT Pursuant to a telephone PH

1. This matter came before me today listed for a telephone PH to determine case management issues. I had the file before me. The Claimant issued a perfunctory ET1 claiming unfair dismissal and age discrimination. There was filed an ET3. In it, the gist of the ET3 was that the Claimant was dismissed because he could not perform his job as a driver as he had refused to learn English.
2. Due to the sparse nature of the ET1 my colleague, EJ Laidler, on 13 November 2022, sent an Order to the parties, directing that the Claimant specify each and every matter relied upon in asserting that his dismissal was unfair and all matters relied upon in asserting age discrimination. EJ Laidler also listed the matter for a three day, in person hearing at the Bury St Edmunds Employment Tribunal on 18, 19 and 20 September 2023.
3. She also listed a telephone Preliminary Hearing to consider Case Management issues. That Case Management Telephone Preliminary Hearing took place on 1 March 2023 before my colleague EJ Robertson. Mr Ewertedebe, a lay Representative, attended on behalf of the Claimant and Mr Devecsai, who expressed himself to be a Director of the Respondent .
4. My colleague, EJ Robertson produced a Case Management Summary but sadly little could be achieved.
5. The reason was that the Claimant had indicated that he wished to join the hearing but also confirmed that he needed a Hungarian interpreter to be

able to do so and understand what was going on. It appeared that no Hungarian interpreter had been booked by the Tribunal so EJ Robertson had no alternative but to adjourn that Case Management Hearing and seek to relist it. He sought details of dates to avoid from the parties.

6. On 19 May my colleague, EJ Bedoe, directed that the Tribunal write to the parties and ask for available dates so that the two hour Case Management Hearing might be relisted. It is noteworthy that the Claimant had failed to comply with the Orders of EJ Laidler, setting out details of his claims which were sent to the parties on 13 November 2022.
7. Mr Devecsei did respond to Judge Bedoe's request and indicated that he was not available between 5 June and 5 September 2023 as he would be on holiday.
8. The Tribunal, in error, listed the adjourned Case Management Hearing for 4 August but that was then relisted for today, 6 September at 2 pm, the day after Mr Devecsei had indicated he would be returning from holiday.
9. Last evening, at 19.07 on 5 September, Mr Devecsei sent an email to the Watford Employment Tribunal explaining that he would not be able to attend today's hearing. He said he had already explained to the Tribunal that he no longer lived in the UK and could only attend hearings from abroad. For the avoidance of doubt there is no such explanation extent on the file. The only response from Mr Devecsei was the one indicating he would be on holiday.
10. A Hungarian interpreter duly attended at today's hearing. As expected there was no attendance on behalf of the Respondent but somewhat surprisingly there was also no attendance on behalf of the Claimant.
11. We did not have any telephone numbers for the Claimant today from the administration but I asked my clerk to telephone Mr Ewertedebe which he did but there was no response.

**Rule 37 of the Employment Tribunal Rules of Procedure.**

12. It falls to me to consider what to do with this unfortunate situation. There is a Full Merits Hearing listed for later in this month for three days. The case is in its infancy. No details of the nature of the Claimant's claims have been put forward despite an Order from EJ Laidler in November of last year.
13. The Claimant has failed to attend today's hearing. His Representative attended by telephone the previous hearing which was adjourned due to the lack of an interpreter. His Representative did not attend today.
14. It seems to me that there has been no attempt by the Claimant to further his claim since it was first presented, save for the telephone attendance of his

Representative on 8 March. The details of his claim have been provided other than the very perfunctory homemade details in the ET1.

15. I have no alternative, therefore, but to conclude the claim has not been actively pursued. Accordingly, I exercise my power under Rule 37(1)(4d) to strike out the Claimant's claims.
16. They are hereby struck out and dismissed.

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Employment Judge K J Palmer

Date: 13 October 2023

Sent to the parties on: 18 October 2023

For the Tribunal Office.