



EMPLOYMENT TRIBUNALS

Claimant: Ms J Coster

Respondent: Sardonyx Staffing Services

HELD AT: London Central (via CVP) **ON:** 22nd January 2024

BEFORE: Employment Judge Anderson

REPRESENTATION:

Claimant: No Appearance

Respondent: No Appearance

JUDGMENT

1. All claims are dismissed due to the claimants non-attendance at the final hearing as provided for in Rule 47 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013
2. In the alternative, if the claims were not dismissed then they would have been struck out under Rule 37(1)(d) on the basis that the claims had not been actively pursued by the Claimant.

Employment Judge Anderson

22nd January 2024

JUDGMENT SENT TO THE PARTIES ON

22/01/2024

FOR THE TRIBUNAL OFFICE

REASONS

1. Given that I have issued a Judgment dismissing the claims, I consider that it is sensible to provide brief reasons for doing so.
2. This matter came before me today by way of a full hearing via CVP. Neither party attended.
3. It is immediately apparent from the ET 1 that there are a number of defects with this form. I list them as follows:
 - a. The claimant's postal address is not on the ET 1.
 - b. There is no telephone number for the claimant.
 - c. I presume, based upon the contents of the electronic file, administrative staff have utilised the claimants postal address contained in the ACAS EC certificate and utilised that. I also note that an email address for the claimant has been located, but no basis for this is on the file.
 - d. No limited company has been identified in the ET 1.
 - e. Companies house identifies limited companies such as Sardonyx Staffing Limited, but with different registered addresses as included on the claim form.
 - f. The claimant was emailed regarding contact details for the respondent over concern that the ET 1 had not been served on the correct address. No reply was received.
 - g. No documents, witness evidence or anything has been supplied for the purposes of todays hearing.
4. Attempts were made to contact the parties regarding the non attendance. There is no telephone number for the claimant, only an email address. An email was sent.
5. Given that no party has attended today, I consider that it is appropriate to dismiss the claim under Rule 47. The defects in the ET 1 are the claimant's responsibility, first and foremost in relation to her own contact information needing to be correctly entered and then secondly in providing the correct information regarding the respondent.
6. Todays listing appears to have been served correctly on the claimant. If there has been communication problems that resulted in non attendance today, then I am clear that the starting point of those problems was the incorrect completion of the ET 1 form for which the claimant bears responsibility.
7. I do not consider that a stay or a postponement are appropriate. The Tribunal system is under considerable pressure. It is the Tribunal that has been trying to contact the claimant, not the other way around. Even with a stay or

postponement, there would still need to be an identification of the correct respondent and re-service of the claim form.

8. In the alternative, I would have struck out the claim as not being actively pursued under Rule 37(1)(d). The Claimant has not provided any evidence for the hearing today, not replied to Tribunal correspondence and not attended the hearing today. Indeed, I am unable to ascertain from the file any positive step taken by the Claimant beyond the submission of the ET 1. These points are compounded by the procedural problems with the claimant not providing her own contact details or identifying the correct respondent or service address.
9. If the above is incorrect, then the correct route for dealing with this matter is an application for reconsideration. Any such application for reconsideration should rectify the information missing from the ET 1, deal with the correct identify of the respondent and service address and also cover the non attendance and failure to provide evidence in respect of the full hearing today.

Notes

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.