



EMPLOYMENT TRIBUNALS

Claimant: Mr J Mallory

Respondent: Il Platina Ltd

Heard at: London South ET, Croydon (by video)

On: 27 November 2023

Before: Employment Judge Abbott

Representation

Claimant: no attendance

Respondent: no attendance

JUDGMENT

The complaints of breach of contract in respect of notice pay and unpaid holiday pay are dismissed pursuant to Rule 47 of the Employment Tribunals Rules of Procedure 2013.

REASONS

1. The claim was listed for a final hearing, to be conducted by video, today at 10am. Neither party attended. I am satisfied that the notice of hearing was sent to the correct email addresses for both parties as included on the ET1 and ET3 forms. The Tribunal clerk left a message for the claimant on his mobile phone, but no response was received. I waited until 10:20am before abandoning the hearing.
2. On consideration of the file, there is no evidence of the claimant having engaged with this claim since it was brought in April 2022. No documents have been provided to the Tribunal pursuant to the directions made on 19 June 2023. The Tribunal's pre-hearing check letter of 30 October 2023 was not responded to. It is evident that the claim has not been actively pursued. There is no material before the Tribunal that would make it possible to determine the claim today without the parties being present.

3. Rule 47 applies as the claimant has not attended the hearing. In the circumstances, I am satisfied that the overriding objective is best served by dismissing the claim in accordance with that Rule.

Employment Judge **Abbott**

Dated: 27 November 2023