



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Y Hussen

**Respondent:** Sky Subscribers Services Limited

**Heard at:** London South  
(by cloud video platform)

**On:** 26 February 2024

**Before:** Employment Judge Porter (sitting alone)

## Representation

Claimant: Not in attendance

Respondent: Mr R Multani, paralegal

# JUDGMENT

The judgment of the Tribunal is that the claim is struck out.

## REASONS

1. The claimant failed to attend a preliminary hearing on 6 December 2023 before EJ Sudra. In the record of that hearing it states:

11. On 5 December 2023 at 5.25pm the Claimant emailed the Tribunal (only) stating,

‘Dear LONDONSOUTHET Team, I would like to confirm non-attendance for the 6th December preliminary hearing. This is due to not having any clarity on the situation of my passport. Politely excuse me on this one. Best regards, Yunus Hussen’

12. The Claimant’s email was insufficient in explaining why he was unable to attend the Preliminary Hearing and unacceptable. The

Claimant had not advised the Respondent that he would not be attending today.

13. My clerk both emailed and telephoned the Claimant to ascertain if he would be able to join the Preliminary Hearing but neither modes of communication were responded to.

14. As the Claimant's claims lack clarity it was not possible to make any further progress today.

...

16. The Preliminary Hearing for case management will now be held remotely on, 26 February 2024 at either 10.00am or 2.00pm for two hours. A separate hearing notice and joining instructions will be sent by the Tribunal to the parties.

17. If the Claimant fails to attend the adjourned Hearing, his claim is at risk of being struck-out.

2. The claimant was ordered to provide an explanation for his non-attendance at that hearing.
3. By email dated 21 December 2023 the claimant apologised for his non-attendance. He failed to provide a satisfactory explanation for that non-attendance. He once again addressed problems with his passport but gave no satisfactory explanation as to why problems with his passport prevented his attendance at the tribunal hearings.
4. The claimant failed to attend this hearing. The claimant has not advised either the tribunal or the Respondent that he would not be attending today. He has not provided any further information to provide clarity as to the nature and grounds of his claim.
5. My clerk telephoned the Claimant to ascertain if he would be able to join the Preliminary Hearing but the mobile phone number provided by the claimant was not in operation.
6. Under rule 37 of the Employment Tribunals Rules of Procedure 2013 the tribunal has power to strike out the claim in its entirety if:
  - a. the manner in which the proceedings have been conducted by or on behalf of the claimant has been scandalous, unreasonable or vexatious; and /or
  - b. it is not being actively pursued.
7. The claimant has failed to attend two preliminary hearings and has failed to provide a satisfactory explanation for his non-attendance. The claimant was put on notice that failure to attend this hearing may result in the claim being struck out. The claim lacks clarity. It is not possible to

proceed to a fair hearing without clarification from the claimant as to the nature and grounds of his complaints.

8. In all the circumstances it is in the interest of justice that the claim be struck out in its entirety because:
  - a. the failure to attend the hearings and to provide a satisfactory explanation for non-attendance is unreasonable conduct; and
  - b. the claim is not being actively pursued.

Employment Judge Porter

Dated: 26 February 2024

### **Note**

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was that the judge and the parties attended by CVP. A face-to-face hearing was not held because it was not practicable and all issues could be determined in a remote hearing.

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>

