



EMPLOYMENT TRIBUNALS

Claimant: Mr M Mykoo
Respondent: Chief Constable of Thames Valley Police
Heard at: Watford Employment Tribunal (In Public; By Video)
On: 28 March 2024
Before: Employment Judge Quill (Sitting Alone)

Appearances

For the Claimant: No appearance or representation
For the respondent: Ms R Snocken, counsel

JUDGMENT

1. The entire claim is dismissed in accordance with Rule 47.

REASONS

1. Rule 47 of tribunal rules of procedure specifies:

47. Non-attendance

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 reasons for the party's absence.

2. The claimant did not attend the hearing on 5 February 2024. His last contact with the tribunal was 29 January 2024, in an email not sent to the respondent, which sought postponement of that hearing. That application was rejected.
3. The hearing on 5 February made various clear orders in the claimant's absence, and listed today's hearing. I am satisfied that the claimant received those orders and details of today's hearing. They were sent to his email address as per the claim form, and as per the email he sent to tribunal on 29

January 2024.

4. The same email address has been used by the respondent to send him various documents for today's hearing and by tribunal to send him the link to join the video hearing.
5. The clerk telephoned the claimant at 10am when he had not arrived. There was no reply and a voicemail was left.
6. I started the hearing at around 10.05am, and there was a few minutes while the respondent's counsel logged off and logged back on again to resolve an audio issue.
7. After some discussion about when the respondent had last heard from the claimant (which was not since prior to the previous hearing) I adjourned until 10.20am. I continued to monitor the video lobby, and the claimant did not appear there.
8. At 10.20am, the hearing recommenced and the claimant had not returned the clerk's voicemail, or contacted the tribunal or the respondent.
9. A postponement in these circumstances was not appropriate, since the claimant had the opportunity to attend on both 5 February 2024 and today, and did not do so. There is no reason for me to think that he would attend on a new date.
10. The claimant had been ordered to prepare a witness statement. Had he done so, or had he attended, without a written statement and given oral evidence on oath, I would have been assessing whether or not it was just and equitable to extend time. (There seems to be no reasonable prospect that I would have decided that the claim had been brought within the time limit, in the absence of an extension; however, findings of fact have not been made given the lack of evidence from the claimant).
11. In his absence, that issue cannot be fairly determined. There seems to be little point in proceeding with the hearing in the claimant's absence.
12. The respondent invited me to dismiss the claim under Rule 47 and I do so. I am satisfied that there are no further practicable enquiries that can be made, and the claimant has had every opportunity to participate in the proceedings, including by addressing the substance of the respondent's arguments about

jurisdiction. He has failed to engage and failed to provide an acceptable explanation for that.

13. The claim is therefore dismissed.

Employment Judge Quill

Date: 28 March 2024

JUDGMENT SENT TO THE PARTIES ON

29/4/2024

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FOR THE TRIBUNAL OFFICE

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Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording. You will be required to pay the charges authorised by any scheme in force unless provision of a transcript at public expense has been approved.

If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge.

There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

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