



EMPLOYMENT TRIBUNALS

Claimant: Mr R Henry

Respondent: CIS Security Limited

JUDGMENT

The claim is struck out.

REASONS

1. By a letter dated 4 January 2024 the Tribunal notified the parties that there would be a preliminary hearing on 17 April 2024 to determine whether the claimants' claim of unfair dismissal should be allowed to proceed on the basis that it appeared that they were not dismissed at the date the claim was brought.
2. By an email dated 16 April 2024, the claimant's representative informed the Tribunal that he was unwell and would not "make" the preliminary hearing due to take place on 17 April 2024.
3. Acting Regional Employment Judge Khalil replied to the claimant's representative as follows: "Acting Regional Employment Judge Khalil has instructed that the Tribunal need medical evidence to accompany any postponement request in order to be considered. Please provide medical evidence by 3PM, if none is received the hearing will proceed as listed."
4. No further communication was received from the claimants or their representative and neither of the claimants or their representative attended the preliminary hearing.
5. Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (ET Rules) states: " 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."
6. The Tribunal noted that neither the claimant or the respondent had prepared any witness statements or a Bundle of documents in advance

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of the hearing, and so there was no evidence to show that the claimant had planned to attend the hearing before the representative's indisposition. That said, there was nothing from the respondent to indicate that that was the case either.

7. The claim is struck out under rule 47 of the ET Rules because of the claimant's non-attendance at the hearing.
8. The hearing fixed for 9, 10 and 11 October 2024 will not take place.

**Employment Judge Rice-Birchall
17 April 2024**

JUDGMENT SENT TO THE PARTIES ON
1 May 2024

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FOR THE TRIBUNAL OFFICE