



EMPLOYMENT TRIBUNALS

Claimant: Mr. R Telfer

Respondent: Tphase Ltd

Heard at: London South (by video)

On: 10 October 2023

Before: Employment Judge Cawthray

Representation

Claimant: Did not attend

Respondent: Ms. Sillett, Solicitor

JUDGMENT

The Claimant's claim is dismissed under Rule 47 of the Employment Tribunal's (Constitution & Rules of Procedure) Regulations 2013.

REASONS

1. The hearing today was due to be a final hearing listed to hear the Claimant's claim.
2. The Claimant did not attend.
3. At approximately 10.10am I asked the Tribunal staff to attempt to try and telephone the Claimant. The Tribunal staff attempted to telephone the Claimant twice and got a mobile unavailable message.
4. Rule 47 of the Employment Tribunal 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."

5. I asked the Respondent's representative if there had been any contact with the Claimant, and Ms. Sillett stated that there had been no contact from the Claimant at all since submission of the ET1 and the Claimant had not complied with any of the Tribunal's Orders.
6. I considered the file and noted the following:
 - a. The Claimant was issued with an ACAS Early Conciliation certificate on 9 March 2023 and submitted his ET1 on 31 March 2023. At box 8.1 of the ET1 form the Claimant ticked the boxes to indicate that he was bringing claims for notice pay, holiday pay and arrears of pay. He provided no further information and at box 8.2 states "Please speak to Trevor Hamblin at ACAS". The basis of the Claimant's complaints is entirely unclear on review of the ET1.
 - b. The Respondent submitted a response on 26 May 2023.
 - c. On 22 June 2023 the Tribunal sent the Claimant a letter requesting that he set out what sums he says he is owed and why he considers he is owed. There is no record of any reply from the Claimant.
 - d. On 3 July 2023 the Tribunal sent the parties a Notice of Hearing with Orders. There is no evidence that the Claimant complied with any of the orders.
 - e. On 12 September 2023 the Tribunal sent the parties a pre-hearing check letter. There is no record of any reply from the Claimant.
7. I considered all of the above.
8. In particular I noted that the Tribunal has written to the Claimant several times and the Claimant has not responded to any correspondence.
9. The Claimant had not engaged with the Respondent in any form.
10. The Claimant has made no application for postponement of the final hearing.
11. The Claimant provided a telephone number that is no longer operational.
12. I did not have enough information to determine the Claimant's claim. I determined that it would not be in the overriding objective to list his claim for a final hearing to take place another day. I considered that such approach was not in accordance with the Overriding Objective and would be prejudicial to the Respondent and incur additional costs and lead to further delay for the Respondent.
13. In the absence of any reasonable explanation from the Claimant for his non-attendance and also noting his total failure to comply with the Orders I determined it was appropriate to exercise my powers under rule 47 and dismiss the claim.
14. For completeness, had I not dismissed the claim under rule 47 I would have struck it out under rule 37 on the basis that the claim had not been actively pursued, there had been non-compliance with Orders from the

Tribunal and that there was no reasonable prospect of success due to a complete lack of information about the claim from the Claimant.

Employment Judge G Cawthray
Date **10 October 2023**

JUDGMENT SENT TO THE PARTIES ON
19 March 2024

.....
FOR THE TRIBUNAL OFFICE

Note

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

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.