



EMPLOYMENT TRIBUNALS

Claimant: Mr Feisal Mohammed

Respondent: Skytanking Aviation Services ENG Ltd

Heard at: Birmingham (by CVP audio) **On:** 11 July 2024

Before: Employment Judge Connolly

Appearances
For the claimant: Not present or represented
For the respondent: Mr G Greaves (Counsel)

JUDGMENT

1. The name of the respondent is changed to Skytanking Aviation Services ENG Ltd
2. The claimant's claim of unfair dismissal is struck out because he was not employed by the respondent for the period of two years or more and the Tribunal does not have jurisdiction to determine this claim by virtue of s.108 of the Employment Rights Act 1996.
3. All the claimant's remaining claims (other than the complaint of unfair dismissal) are dismissed in accordance with Rule 47 of the Employment Tribunal Rule of Procedure 2013 following his failure to attend today's hearing.

REASONS

4. The hearing today was listed for case management. I converted it to a public hearing in order to consider dismissing the claimant's claim.
5. The claimant did not attend today's hearing. He did not contact the Tribunal to apply for a postponement or to explain his failure to attend.
6. The claim was presented on 3 February 2024. On 16 February 2024, notice of today's hearing was sent to the claimant at the correct email address, as provided on the Claim Form. On 2 July the CVP link was sent to the claimant at the correct email address. On 2 July the respondent emailed the claimant seeking his input into an agenda for today's hearing, making specific reference to the date of the hearing. They received no response. This morning at 09.07am, at my direction, the Tribunal

emailed the claimant, referred to the fact that there was the hearing today, the start time of 2.15pm and asked the claimant to confirm that he was attending. He was informed that, if he did not attend, the Judge may consider striking out his case in its entirety. Upon checking at 2pm, 2.15pm and 2.30pm the tribunal staff were unable to find any response from the claimant. The claimant has not provided the Tribunal with a telephone number on which to contact him.

7. In the circumstances, I am satisfied that the claimant was aware of today's hearing and provided with the means to access it.
8. I further note that, on 16 February 2024, the Tribunal sent the claimant notice that it was considering striking out his claim of unfair dismissal because he did not have the requisite qualifying service. He was given to 1 March 2024 to provide reasons in writing why it should not be struck out. He did not respond. On 28 June 2024 the claimant was copied into an application by the respondent to convert this hearing into a public hearing to consider striking out his claims. The date of the hearing was, again, noted. The claimant did not respond.
9. In the circumstances, and in light of his failure to attend the hearing without any explanation, I am satisfied that it is appropriate to dismiss all the claimant's claims in accordance with Rule 47. In the alternative, I would have struck the claim out under Rule 37(1)(d) on the basis that it is not being actively pursued.

Employment Judge Connolly

Signed: 11 July 2024