



EMPLOYMENT TRIBUNALS

Claimant: Mr A Mullins

Respondent: Auto-Sleepers Group Limited

Heard at: Watford (via video)

On: 29 July 2024

Before: Employment Judge Russell

Representation

Claimant: Did not attend

Respondent: Miss Cheng, Counsel

JUDGMENT

The claim is dismissed under Rule 47 of the Employment Tribunal Rules of Procedure as the Claimant has failed to attend or be represented at the hearing.

In deciding to dismiss the claim I considered the following:

1. The Claimant failed to attend this hearing and failed to provide any reasons for his non-attendance.
2. Under Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 Schedule 1, if a party fails to attend or be represented at a 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 reason's for the party's absence.
3. The Claimant's email address and telephone number have been included on the claim form. The Claimant indicated on the claim form that he would be able to participate in a video hearing.
4. A notice of hearing was sent to the Claimant on 15 February 2024 at the address provided on his claim form. The hearing was originally intended to be heard in person on 29 July, 30 July and 31 July 2024. The parties were informed that the hearing may be transferred at short notice to another hearing centre. The Claimant was aware of the dates of the hearing.
5. On Friday 26 July 2024 the hearing was converted to a video hearing. At

- 4.25pm on 26 July 2024 the parties were sent a link to access the video hearing. The link was sent to the email address given by the Claimant on the claim form.
6. At 06.03am on Monday 29 July 2024 the Claimant wrote to the Tribunal using the email address on his claim form to say: *"I am assuming that because I haven't heard anything, and because the respondent is unable to attend. That this is now not going ahead."* He copied in the Respondent's solicitor to this email.
 7. It is not clear on what basis the Claimant considered that the hearing would not be going ahead when a link to the video hearing had been sent to him on Friday 26 July 2024 using the email address on his claim form.
 8. Tribunal staff have attempted to make enquiries with the Claimant including by telephone and email. Enquiries were made of the Respondent who had attended the hearing. It confirmed that the Claimant would have been aware of the hearing. The Respondent had emailed the Claimant that morning at 09.52am in response to his email at 06.03am to make clear that the hearing would proceed.
 9. The start of the hearing was delayed to 11am to allow Tribunal staff to make further enquiries of the Claimant. Shortly after 11am, I directed Tribunal staff to telephone and email again to the Claimant to advise him that the start of the hearing will be delayed further until 2pm and to request that he contact the Tribunal as a matter of urgency. I considered this proportionate and in accordance with the overriding objective. While there had been a delay in the Claimant providing his witness statement to the Respondent in breach of the case management orders of 09 May 2024, I could not be satisfied that this was a case where the Claimant had taken no steps to pursue his claim.
 10. The Tribunal waited until 2pm. It was not possible to determine the issues in the absence of the Claimant. The Tribunal had made all reasonable attempts to contact the Claimant, who was aware of the hearing and who had been sent the relevant video link. No explanation for the Claimant's non-attendance has been given. Accordingly, in all the circumstances, I considered it in accordance with the overriding objective to dismiss the claim under Rule 47.

Employment Judge Russell

Date 29 July 2024

JUDGMENT SENT TO THE PARTIES ON
17 September 2024

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FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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