



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Mr A Mabbett**

**v**

**Port of Dover**

**Held at:** London South Employment Tribunal (By CVP)

**On:** 22 January 2025

**Before:** Employment Judge Taylor

**Appearances:**

**For Claimant:** In person

**For Respondent:** Ms Sara Ibrahim, Counsel

## JUDGMENT

The Claimant having failed to attend or to be represented at a hearing, the claim is dismissed.

## REASONS

1. By order of the Employment Tribunal dated 29 July 2024, this matter was listed to determine:
  - a) Whether the claims were brought in time under Sections 111(2) and 48(3) of The Employment Rights Act 1996.
  - b) If brought late, whether the Claimant can demonstrate it was not reasonably practicable to bring the claims in time and that the delay was reasonable.
2. It was also ordered that if the claim continues, the Judge will also consider necessary case management orders and expect the parties to draft a list of

issues for any final hearing.

3. The Claimant is a litigant in person. In his claim form, the Claimant accepted that his claim had been sent to the Tribunal outside of the applicable time limit, giving as his reason that he was out of the country during the period the claim should have been working on a merchant ship, with limited access to the Internet and connectivity.
4. Two potential claims arise from the Claimant's claim form, however, without the Claimant having provided further information, it remains unclear what claim or claims the Claimant had intended to bring or proceed with.
5. By the same order the Claimant was ordered to provide supporting evidence and further information requested by the Respondent about the claim(s), within 28 days.
6. The Tribunal gave the parties reasonable notice of the date of the hearing and had specified the preliminary issues that are to be or may be decided at the preliminary hearing.
7. The Claimant did not provide any submissions, supporting evidence or answers to the further information requested by the Respondent for the tribunal to consider at this hearing.
8. The Respondent provided a bundle of documents for this hearing, comprising 82 pages and an index.
9. The Respondent informed the Tribunal that it had provided the bundle of documents for this hearing to the Claimant seven days before the hearing, but the Claimant had not acknowledged receipt and he had not contacted the Respondent.
10. There are two ways in which a Claimant can contact the Employment Tribunal, through the main email address or through the case hearing inbox. The Clerk of the Tribunal checked both and found no communication had been received from the Claimant.
11. Having considered the available information, the Tribunal considered that an adjournment was not appropriate given that no indication of the Claimant's intention to take part in these proceedings was received or apparent.
12. Rule 47 Employment Tribunal Rules of Procedure 2014 provides:

**Non-attendance**

If a party fails to attend or to 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 must consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.

13. The Tribunal then considered whether to proceed to consider the claim on its merits or whether to dismiss the claim by reason of the Claimant's failure to attend at the time and place fixed for the hearing.
14. The Respondent submitted that the preliminary issue could be determined on its merits. The issues were clearly set out in the response form.
15. The Tribunal bears in mind that the Claimant has not taken part in these proceedings. He has been given reasonable notice of the preliminary hearing and he has been given an opportunity to provide further information about his case. He drafted the claim form without legal assistance and at because he has not provided any further information the outset of this hearing what claims he intended to bring or proceed with is unclear. In the circumstances, the Tribunal considered it inappropriate to deal with the preliminary issue on its merits.
16. The Claimant has failed to attend at the time and place fixed for the hearing and he has failed to provide reasons for his absence, therefore pursuant to the power conferred on the Tribunal by Rule 47 the claim is dismissed.

Employment Judge Taylor

Date 23 January 2025

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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, for which a charge may be payable. 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/>