



EMPLOYMENT TRIBUNALS

Claimant: Mr Frank Akoto

Respondent: Urbanbubble Ltd

Heard at: Watford Employment Tribunal **On:** 13 February 2025

Before: Employment Judge Young

Representation

Claimant: Did not attend

Respondent: Mr Robert Allen (Counsel)

JUDGMENT

The Claimant's claim is dismissed under rule 47 Employment Tribunal Procedure Rules 2024, for the Claimant's non-attendance.

REASONS

Introduction

1. The Claimant was employed by the Respondent, a company that provides management services for residential buildings through the UK as a concierge. The Claimant said he was employed from 8 September 2008. The Respondent said that he was employed from 26 September 2008. The Claimant's employment was terminated on 5 September 2023 due to for gross misconduct. Early conciliation started on 19 September 2023 and ended on 26 September 2023. The claim form was presented on 8 November 2023.

Hearing

2. The hearing was listed for 2 days. The Employment Tribunal had been provided with a 221 page bundle and a witness statement from the Claimant and a witness statement from Mr Conor Peden on behalf of the Respondent.
3. However, by 10:00am on day 1 the Claimant had not attended the

Employment Tribunal. The Claimant checked the Claimant's waiting room on two occasions. The Claimant was contacted at 10:00 by phone to provide an explanation as to why he had not attended the hearing and whether he was to attend the hearing. The Claimant was left a message voicemail. The hearing had been converted into a hybrid hearing following the Claimant's own application on 15 October 2024 to attend the hearing in person.

4. Mr Robert Allen of Counsel attended on behalf of the Respondent. Mr Conor Peden also attended as the Respondent's witness who was no longer employed by the Respondent. Ms Sarah Forsyth HR in the Respondent also attended. The witness, Respondent and counsel attended via CVP.
5. After 10:15, the Respondent was invited by the Employment Tribunal to submit how the Employment Tribunal should proceed.
6. Mr Allen made an application to have the claim dismissed under rule 47 of the Employment Tribunal Procedure Rules 2024, in respect of the Claimant's non-attendance. Mr Allen submitted that it was the Claimant's claim, and he needed to prove his claim and that he had provided no explanation for his non-attendance.
7. The Employment Tribunal asked the Respondent if they had heard anything from the Claimant. Ms Forsyth of the Respondent wrote in the chat box that the Respondent had not heard anything from the Claimant. Mr Allen confirmed that the Respondent had not heard anything from the Claimant about his non-attendance.

The Law

8. Rule 47 under the Employment Tribunal Procedure Rules 2024 states:

 “ *Non-attendance*
9. *If a party fails to attend will 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 shall consider any information which is available to it after any inquiries that may be practicable about the reasons for the party's absence.*”

Conclusions

10. The Employment Tribunal agreed with Mr Allen's submissions in respect of the Respondent's application to have the Claimant's claim dismissed.
11. This is the Claimant's claim, and he has not attended the hearing, nor has any communication been received from him to explain his absence. Despite the hearing having been converted into a hybrid hearing following the Claimant's own application on 15 October 2024 to attend the hearing in person, the Claimant failed to attend in person. Notwithstanding, the Claimant was sent the link to the hearing at 15:25 on 12 February 2024 by email, the Claimant did not attend via video either.
12. Before 10:00 the clerk checked the Employment Tribunal emails to ascertain whether the Claimant had sent any communications to the

Employment Tribunal. The Claimant had not. The Claimant was contacted at 10:00 by phone to provide an explanation as to why he had not attended the hearing and whether he was to attend the hearing, the clerk left a message. The Employment Tribunal waited until 10:15 to hear from the Claimant. Despite efforts being made to contact the Claimant, to obtain an explanation for the Claimant's non-attendance, nothing was received from the Claimant.

13. The Employment Tribunal considered whether the matter should be adjourned but in light of the fact that the Claimant had not attended a previous hearing and the Claimant had provided no explanation for his non-attendance in respect of this hearing, this was not in accordance with the overriding objective in saving expense and to deal with matter fairly and justly. In the circumstances, the Claimant's complaints of unfair dismissal and wrongful dismissal are dismissed pursuant to the Claimant's non-attendance.

Approved by:

Employment Judge Young

Dated 13 February 2025

JUDGMENT & REASONS SENT TO THE PARTIES ON

28/2/2025

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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/>