



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Jose Teixeira

**Respondent:** Plaza Premium Lounge (UK) Limited

## RECORD OF A PRELIMINARY HEARING

**Heard at:** Watford (by video) **On:** 20 March 2025

**Before:** Employment Judge T Brown

### Appearances

For the claimant: Not present or represented  
For the respondent: Mr J Pitts, solicitor

## JUDGMENT

- (1) Upon the claimant's failure to attend the final hearing, the claim is dismissed under rule 47 of the Employment Tribunal Procedure Rules 2024.

## REASONS

### Remote hearing

- (1) This was a remote preliminary hearing by video. I had a 69-page hearing bundle, which had been prepared by the respondent, and which included the respondent's case management agenda.
- (2) The parties agree that the claimant was employed by the respondent as a kitchen assistant/porter from 28 December 2017 until 19 January 2024, when he was dismissed without notice.
- (3) On 21 April 2024, following ACAS early conciliation which started and ended on 19 April 2024, the claimant presented this claim to the Tribunal complaining that

they he had been unfairly dismissed, subjected to discrimination in relation to race and was owed notice pay and holiday pay.

- (4) By a response submitted on 18 June 2024, the respondent defended the claim.
- (5) I note that, since the effective date of termination of the claimant's employment was 19 January 2024, the claim, which was started after 18 April 2024 appeared to have been started out of time.
- (6) The claimant's details of complaint are 12 pages long. It is clear that the claimant raises complaints about the fairness of the process which led to his dismissal, as well as complaints of race discrimination, but it is not at all clear what the claimant complaints of as race discrimination: he both complains about the lack of availability of a Konkani interpreter, but also complains about the conduct of a Konkani interpreter provided for a hearing. It is unclear to what extent (if at all) the claimant complains that process which led to his dismissal was discriminatory in relation to race, or whether his sole complaint is that the decision to dismiss him was discriminatory. The claimant raises a factual complaint that he was encouraged or pressured into confessing to misconduct, but it is not clear to what extent that is alleged to be discriminatory, or an aspect of his complaint of unfair dismissal. It is not clear whether any or all of the claimant's complaints are of direct or indirect race discrimination.
- (7) On 4 December 2024, the parties were given notice in writing of today's hearing.
- (8) By case management orders with the same date, Employment Judge French (who appears to have assumed the complaints were of direct race discrimination) ordered the claimant to provide further information about his race discrimination claim, identifying each detriment alleged to be discriminatory in relation to race, and details of any actual comparators.
- (9) Mr Pitts told me that there has been absolutely no engagement by the claimant with that order. Nor has the claimant been in any communication with the respondent at all to seek to agree a list of issues. The respondent emailed the claimant on 2 and 17 January 2025, chasing a response to the Tribunal's order for further information. I was told that there had been no responses to either email. Mr Pitts told me that there had been absolutely no communication from the claimant since the claim was started.
- (10) On 31 January 2025, the respondent applied to the Tribunal for an unless order as a result of the claimant's continued non-compliance. The application was copied to the claimant; the claimant did not respond to it.

In those circumstances, the claimant's non-attendance at today's hearing was notable as continued non-engagement by the claimant with the proceedings. There is no evidence of any engagement since the claim was started.

- (11) In those circumstances, Mr Pitts asked me to dismiss the claim under rule 47 of the Employment Tribunal Procedure Rules 2024. This says that:

*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.*

- (12) I decided to dismiss the claim.
- (13) I was satisfied that the claimant had been sent notice of today's hearing to the contact details which the Tribunal had for the claimant (and that other correspondence sent to the claimant had referred to the hearing). The claimant had not provided any alternative contact details. There had been no suggestion (for example, by way of an email bounce-back) that emails addressed to the claimant were not being received.
- (14) Otherwise, all of the evidence suggested that the claimant was not pursuing the claim. Had there been evidence of the claimant sporadically engaging, or struggling to participate, I would not have dismissed the claim. I considered whether instead of dismissing the claim, I should require the claimant to show cause why the claim should not be dismissed, but I was satisfied that if the claimant had a good reason for not attending today, this could be addressed on an application for reconsideration, and, otherwise the Tribunal and the respondent would have to expend further time and money in managing a claim that appeared from the claimant's total disengagement to have been abandoned. In those circumstances, and given that the claimant's complaint of unfair dismissal appeared to be subject to a jurisdictional bar in relation to time limits which the claimant would have needed to overcome, and given the absence of clarity around his complaints of race discrimination, I decided that it was in the interests of justice to dismiss the claim today, rather than leave the Tribunal and respondent to have to continue to manage the claim in the claimant's absence. I was satisfied that no option other than dismissing the claim was appropriate in circumstances of ongoing total disengagement by the claimant.

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**Employment Judge T Brown**  
**20 March 2025**

Sent to the parties on:  
29 March 2025  
For the Tribunal:

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