



EMPLOYMENT TRIBUNALS

Claimant: Kamran Hussain
Respondent: McDonald's Restaurants Limited

Heard at: Watford Employment Tribunal by CVP
On: 6 March 2024
Before: Employment Judge Bloch KC

Representation

Claimant: Did not appear and was not represented
Respondent: Ms E Frankish, solicitor

JUDGMENT

1. Under Rule 47 of the Employment Tribunal Procedure Rules 2024 the claimant's claim is dismissed for his failure to attend or to be represented at the hearing.

REASONS

1. The claimant presented his claim on 15 August 2024. In his claim form he stated his commencement date as 8 August 2024 and that the employment ended on 8 August 2024. He ticked the following boxes at paragraph 8 of the standard form: unfair dismissal, whistleblowing and other types of claims which he described as fraud and health and safety. However, paragraph 8.2 of the claim form disclosed no facts to support his claim merely citing particular sections (sections 44 and 100) of the Employment Rights Act 1996 and also citing various provisions of the 2013 Employment Tribunal Rules. Under paragraph 9.2 he stated in response to the question "What compensation are you seeking": "Compensation: "Pension contrived dismissal"".
2. The background to the hearing today is that after it was listed the claimant appears, on different occasions, to have applied for a transfer of the hearing to Birmingham. That application was dismissed in particular on the basis that the claimant's suggestion that it was appropriate for the hearing to take place in Birmingham because that was where he lived, did not make sense given that this was a hearing by CVP, and the claimant had indicated that he was able to engage in a remote hearing of that sort.
3. It should mention that there appears to have been some confusion and difficulty

on the part of the respondent in identifying the claim and finding that the ET1 had apparently been sent to it in August 2024. Part of the problem may be that (as Mrs Frankish told me today) there was no record of the claimant ever having been employed by the respondent. This is perhaps not surprising given the alleged employment dates and termination, ie, the same day referred to above.

4. I made enquiries of tribunal staff whether any communication had come from the claimant indicating why he could not attend today, and I was told that there were no such communications that they could find in that regard.
5. To complete the background, notice of hearing by video was sent to the parties on 12 December 2024. In that notice it was recorded that the respondent had failed to present a valid response on time, but the Employment Judge had decided it is necessary to have a hearing to determine the claim. The hearing was to decide whether to issue a judgment against the respondent and, if so, what compensation or other remedy should be awarded.
6. In all the circumstances, I decided that it was appropriate and in accordance with the overriding objective that the claim should be struck out (rather than pursue an alternative route of giving an extension of time to the respondent to file their grounds of resistance).
7. The reasons in short are:
 - 4.1 The failure by the claimant to attend or to be represented at the hearing today;
 - 4.2 Failure on the part of the claimant to give any reason for not appearing today or to be represented, following his request for the hearing to be transferred to Birmingham in circumstances where there appeared to be no merit at all in such transfer application;
 - 4.3 It was inappropriate to take the route of given an extension of time to file grounds of resistance since it was difficult to see how the respondent could sensibly have responded to the claim given its lack of contents.

Approved by:

Employment Judge Bloch KC

20 March 2024

JUDGMENT SENT TO THE PARTIES ON

15/4/2025

FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/