



EMPLOYMENT TRIBUNALS

Claimant
Mr C Smith

Respondent
Ernest Cooper Ltd

Heard at: Leeds by CVP **On:** 22 May 2025
Before: Employment Judge P Morgan

Appearances

For the Claimant: Did not attend
For the Respondent: Mr Lee Cooper (Director)

JUDGMENT

1. The Claimant's claim is dismissed under Rule 47 of the Employment Tribunal Rules of Procedure.

REASONS

2. This was a final hearing (via CVP) to decide the Claimant's complaint of unauthorised deduction from wages against the Respondent. The Claimant did not attend the hearing. The Claimant's claim was dismissed under Rule 47 of the Employment Tribunal Rules of Procedure 2024 on the grounds that the Claimant failed to attend or be represented at the hearing.
3. The Claimant received the Notice of Hearing dated 4 March 2025 via the Portal. The Notice of Hearing contained the standard directions in relation to the disclosure of documents, and the provision of documents and evidence to the Tribunal. That the Claimant received the Notice of Hearing is evidenced by the fact that the Claimant contacted the Tribunal via the Portal on 22 April 2025 to request the email address of the Tribunal so that he could send his evidence to the Tribunal. The Tribunal replied on 22 April 2025 providing him with the email address which he needed to send his evidence to. No communication was received by the Tribunal from the Claimant from 22 April 2025 onwards.
4. The Claimant did not inform the Tribunal that he was not attending the hearing. No application to postpone was received by the Tribunal. The hearing commenced at 1404, the hearing starting four minutes late in order to provide time for the Claimant to join the hearing. Given the non-attendance of the Claimant, the hearing was adjourned, and at 1412 the Tribunal clerks attempted to make contact with the

Claimant using the telephone number he had provided to the Tribunal in his ET1 form. The telephone number provided by the Claimant was no longer active and there was no dial tone. The Tribunal was therefore unable to leave a voicemail for the Claimant. The Tribunal clerks also emailed the Claimant at 1414 using the email he had provided to the Tribunal in his ET1 asking him to join the hearing. No response was received.

5. The Tribunal recommenced the hearing to ascertain the telephone number and email address that the Respondent had for the Claimant, and which the Respondent had previously used to communicate with the Claimant, in order to compare these with those the Tribunal had on file. The Respondent provided the contact details they had for the Claimant, and these were the same as those contained within the Claimant's ET1. The Respondent also confirmed that they had received no communication regarding any absence, and that the last communication they had received from the Claimant (apart from the ET1) was on 6 November 2024. The hearing was then adjourned to provide time for the Claimant to read the email and join the hearing.
6. The Tribunal clerks sent a further email to the Claimant at 1431 requesting that he join the hearing as a matter of urgency. No replies, or bounce backs were received to any of the Tribunal's emails. The hearing was further adjourned to 1500 to provide the Claimant with further time to join the hearing.
7. In making the decision to dismiss the Claimant's claim under Rule 47 the Tribunal also took into account the fact that the Claimant had failed to comply with the orders contained within the Notice of Hearing dated 4 March 2025. The Claimant did not send to the Respondent his schedule of loss, or his supporting documents and evidence, nor did he send these documents or a witness statement to the Tribunal. The last communication the Tribunal had from the Claimant was on 22 April 2025. He requested the Tribunal's email address to send his evidence to, then when provided with the email address he did not email his evidence to the Tribunal. The last communication the Respondent had from the Claimant was on 6 November 2024, apart from the ET1 which was received from the Tribunal. It therefore appeared to the Tribunal that the Claimant no longer wished to pursue his claim.
8. The Tribunal therefore decided it was consistent with the overriding objective to dismiss the claim under Rule 47.

**Employment Judge P Morgan
22 May 2025**