



EMPLOYMENT TRIBUNALS

Claimant: Mr M Saleh

Respondent: Global Support Services (UK) Ltd

Heard at: Watford Employment Tribunal (In Public; In Person)

On: 27 August 2025

Before: Employment Judge Quill (Sitting Alone)

Appearances

For the Claimant: No appearance or representation

For the respondent: No appearance or representation

JUDGMENT

1. The Respondent's application for strike out is refused.
2. The claim is dismissed in accordance with Rule 47

REASONS

1. The notice of hearing was sent 13 May 2025 and correctly sent to the email address for each party. In the Claimant's case, as well as being the address on the ET1 form, it was the address he had used when writing to the Tribunal.
2. The notice of hearing contained case management orders. In so far as the orders required the parties to send documents to the Tribunal by the dates stated in the orders, the parties do not appear to have complied.
3. At 3.20pm yesterday, after the Tribunal had chased for electronic copies of documents, the Respondent sent an email seeking postponement or else conversion of the in person (face to face) hearing to a remote hearing by phone or video.

4. Those applications were both refused for the reasons given in the email sent, on my instructions, earlier today. The hearing remained scheduled to comment at 10am. As stated in the email, there would have to be examination of whether the parties had complied with case management orders, and, if not, what the consequences should be. That comment was on the assumption that the parties (or at least one of them) would attend.
5. Neither side has done so. The clerk's attempts to reach the Claimant by phone were unsuccessful. The call went unanswered, without going to voicemail. There was no point in trying to email him since emails were sent yesterday (one by the Tribunal and one by the Respondent) and he did not respond.
6. I did not ask the clerk to try to phone the Respondent in the circumstances.
7. The Respondent's correspondence sent yesterday sought strike out. Consistent with its response, it argued that the Claimant was not employee or worker. It attached a contract and some companies house information. It is clear that the Respondent's stance is (amongst other things)
 - a. The correct respondent name is Global Support Services (UK) Ltd (rather than simply Global Support Services as named in the ET1 and early conciliation certificate)
 - b. There was no contract between the Respondent and the Claimant. Rather there was a contract between the Respondent and a company owned and/or operated by the Claimant, namely H4K9 LTD.
 - c. As a result, Part II of the Employment Rights Act 1996 ("ERA") (or, for that matter, the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994) does not confer jurisdiction on the Tribunal to make any award in the Claimant's favour (or, indeed, in favour of H4K9 LTD).
 - d. Furthermore, for H4K9 LTD to the claimant, there would have to have been early conciliation and there was not.
8. I do not need to comment on the points about the early conciliation certificate, other than to say that if the Claimant had applied to amend the claim to add a different claimant, the Respondent would have had the chance to comment. There has been no application for a change of claimant, or for an additional claimant to be added.
9. The documents supplied do not persuade me that the Claimant's claim should be struck out as having no reasonable prospects of success. The documents are evidence that could potentially be used to establish disputed facts at a hearing, but, in the absence of witness evidence from either side, they are not, in themselves, conclusive.

10. Rule 47 reads:

47. 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.

11. I have considered whether to proceed with the hearing in the Claimant's absence (and, in fact, both parties absence). A fair decision cannot be made without hearing evidence and submissions, for the same reasons mentioned above in relation to refusing strike out.
12. I have considered whether to postpone. I already, earlier today, refused the Respondent's postponement application. The Claimant has not made a postponement application. I could postpone of my own initiative, but there seems to be no reason to do so. Parties were ordered to supply electronic copies of the documents for this hearing by 20 August 2025 and did not do so. Staff sent a chaser by email yesterday, and the Claimant did not reply. I take into account that the Claimant did, last December, comply with an order that he send further information. However, on the balance of probabilities, the reason the Claimant has not complied with the orders and has not attended, and has not replied to the Tribunal's emails, or answered the phone this morning, is that he is not intending to pursue the claim. There is no reason for me to think that he would attend a rescheduled hearing.
13. Thus, in all the circumstances, the correct decision is to dismiss the claim in accordance with Rule 47. That is my decision.

Approved by:

Employment Judge Quill

Date: 27 August 2025

JUDGMENT SENT TO THE PARTIES ON
16 September 2025

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FOR THE TRIBUNAL OFFICE

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