



EMPLOYMENT TRIBUNALS

Claimant: Mr Z Amin

Respondent: Sensee Ltd

Heard at: London Central (remote hearing) **On:** 8 September 2025

Before: Employment Judge B Smith (sitting alone)

REPRESENTATION:

Claimant: Did not attend

Respondent: Ms Bird

JUDGMENT

The claims are dismissed under Rule 47 Employment Tribunal Procedure Rules 2024, the tribunal having made such enquiries as practicable and taking into account the reasons for the claimant's non-attendance.

REASONS

1. The claimant did not attend the hearing, listed today as a preliminary hearing for case management. However, the claimant had made an application to postpone the hearing (8 September 2025) by email sent at 18:00 on 7 September 2025. The email did not contain any supporting evidence. Its full content should be read to understand my decision, but in summary the claimant started a new role on 11 August 2025 and is currently on probation with varying shift patterns, and the claimant contends that they were unable to take leave or confirm availability for specific dates at this stage, and asked whether alternative dates could be provided so they could liaise with their employer. No details as to the claimant's shift patterns were

provided and the claimant did not explain or evidence why the application was not made sooner.

2. I decided that in the circumstances it was necessary to first consider and determine the claimant's postponement application, and then, if refused, decide whether to proceed in the claimant's absence or dismiss the claim under rule 47 Employment Tribunal Procedure Rules 2024. The respondent invited me to refuse the application to postpone and dismiss under Rule 47.
3. I decided to refused the claimant's application to postpone the hearing. I took into account that the claimant is a litigant in person and applied the overriding objective but did not conclude, in all the circumstances, that a postponement was in the interests of justice. I also then concluded, in all the circumstances, that the claimant did not have a good reason for non-attendance, and decided that it was appropriate to dismiss the claims under Rule 47.
4. I expressly considered whether it was in the interests of justice, applying the overriding objective, to dismiss the claim, and taking everything into account I was satisfied that it was correct and appropriate to do so.
5. The preliminary hearing was for claims of unfair dismissal, relating to a redundancy, and associated but unspecified claims of age, indirect disability and potentially direct disability discrimination. It was originally listed on 28 November 204 however it was postponed for lack of judicial availability. It was relisted for 14 April 2025. On 13 April 2025 by email sent at 19:32 the claimant applied to postpone the hearing on the basis of matters relating to a family member's health. This was granted by the Tribunal (EJ Lewis) on 14 April 2025. On 7 July 2025 the claimant was sent a notice of hearing of the postponed case management hearing for today. The claimant did not apply to postpone the hearing until 18:00 the day before the hearing.
6. Rule 47 Employment Tribunal Procedure Rules says:

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.

7. I concluded that additional enquiries were not practicable or necessary for the claimant's absence because the claimant had indicated in advance that they wanted to postpone the hearing because they could not take leave or confirm availability because they had started a new job and were in a probationary period.
8. Also, the claimant was given notice of the possibility of the claim being dismissed because notice to that effect was given to them via the case management portal at 12:26 on the day of the hearing in response to the claimant's application to postpone sent the day before the hearing. Also, the claimant was called by telephone by the tribunal clerk on the day of the hearing, and, as the claimant indicated that they had not received the portal notice, it was resent to the claimant at 14:04 by email. Also, the content of the notice was read to the claimant over the telephone shortly before or around the start of the hearing. The claimant confirmed that they were not going to attend on the basis that they were on probation in their new role. The claimant was therefore fully aware of the situation.
9. The original application was not copied to the respondent, but it was forwarded to the respondent shortly before the hearing by the tribunal.
10. I noted that claim is now of some age (although not all of that delay was at the fault of the claimant) and the respondent had (so far) incurred the costs of preparing for three preliminary hearings. If the application was granted then they would have been put to the time and cost of at least one further preliminary hearing, and if the postponement had been granted then this was in circumstances then two of the postponements would have been at the claimant's request.

11. I expressly took into account that any further postponement would not be until 10 March 2026 taking into account the tribunal's availability and the impact on other tribunal users. This would mean that a substantial period of time would have started before the claim had even had its first case management hearing and a consequent effect on when any final hearing might be listed.
12. I did not consider that a postponement was in the interests of justice. There was no good reason for a postponement because the claimant was fully on notice of the hearing for a reasonably substantial period of time and was given ample opportunity to make arrangements for them to be available. Also, despite having been in a new role for some time, and having notice of the hearing, they left it until the very last minute to seek to postpone the hearing. The application was also not supported by evidence, although this was not a strong factor in my decision. Any further delay would cause prejudice to the respondent given the inevitable effects of the passage of time, and the length of time until the tribunal could next accommodate a hearing was substantial.
13. In the same circumstances, it was also appropriate to dismiss the claim under Rule 47, the claimant having not attended and there being no good reason for the non-attendance. The claimant had ample opportunity to make arrangements so that they could attend or apply to postpone the hearing in good time. Also, it was not appropriate to simply proceed in the claimant's absence and make case management directions, although I did give this possibility substantial consideration. This is because the discrimination claims brought by the claimant are sufficiently unparticularised that it would not be possible to meaningfully conduct case management without the claimant present, make a meaningful start on the list of issues, or satisfactorily progress the claim. In those circumstances, even taking into account the effect on the claimant, it was appropriate to dismiss the claims in their entirety. This was proportionate in the circumstances of the claimant's non-attendance taken as a whole.

Approved by:
Employment Judge B Smith
8 September 2025

SENT TO THE PARTIES ON

19 September 2025

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FOR THE TRIBUNAL OFFICE