



EMPLOYMENT TRIBUNALS

Claimant: Silviu Stefan Stoica
Respondent: Shamal Overseas Shoreditch Ltd
Heard at: in private by CVP
On: 3 October 2025 at 14:00
Before: Employment Judge Woodhead

Appearances

For the Claimant:

For the Respondent: Ms C Fergusson (Solicitor)

JUDGMENT

DISMISSAL – RULE 47 (NON-ATTENDANCE)

1. The Claimant's claim is dismissed pursuant to Rule 47 (Non-attendance) of The Employment Tribunal Procedure Rules 2024 (**"the Rules"**).

REASONS

2. The Claimant presented his claim form on 9 December 2024 and ticked the boxes for unfair dismissal, sex discrimination (including equal pay), whistleblowing (including dismissal or any other unfair treatment after whistleblowing) and holiday pay. The claim form included only the following particulars:

4. Claim Overview

This claim concerns unfair dismissal, procedural irregularities, whistleblowing detriment, disability discrimination, and sex discrimination.

I contend that my dismissal was retaliatory, unfair, and based on discriminatory practices.

5. Full Employment Details and Evidence Summary

I was employed as a Senior Night Duty Security Officer at Hart Shoreditch Hotel from December 2021 to October 2024.

My employment was terminated under circumstances that were procedurally unfair, retaliatory, and discriminatory.

Key evidence includes:

1. Procedural Irregularities:

Meetings were consistently scheduled during my sleep hours without adequate notice, disregarding my night-shift schedule and violating ACAS guidelines.

Suspension was mishandled, I was asked to leave the room twice so they can come up with more questions together, with management temporarily lifting the suspension to force me to use pre-approved holiday leave.

CCTV investigations, critical to my dismissal, were conducted by an unlicensed individual, invalidating the evidence used against me.

8. Tribunal Request

I request the tribunal to issue a disclosure order for the respondent to provide:

- 1. Payroll records showing pay discrepancies between myself and colleagues holding the same title/role.*
- 2. Safety alerts and any correspondence regarding live coals, ash disposal, and other reported issues from the safety alerts, or regarding me.*
- 3. Records of disciplinary investigations, meeting minutes, notes and any correspondence during my suspension.*
- 4. Documentation of celebrations/events for International Women's Day and the absence of acknowledgment for International Men's Day*

[...]

Remedy Sought —

I am seeking the following remedies:

- 1 . Financial compensation for financial loss and injury to feelings, and all other potential breaches, as detailed in the Schedule of Loss, provided when appropriate and requested. My previous offer is negotiable, depending the perks and goodwill.*
- 2. A declaration that my dismissal was unfair and discriminatory, or equivalent goodwill gestures.*

3. Procedural uplifts for breaches of ACAS guidelines and bad faith actions.

4. Goodwill gestures, including:

Lifetime Hilton Team Member Travel rates.

Lifetime Diamond Membership.

Neutral Reference

3. The claim form was accepted and, on 20 December 2024 a notice of hearing was issued listing the claim for a preliminary hearing for case management at 10am on 11 June 2025 (**"the June Hearing"**).
4. On 16 January 2025 the Respondent submitted its response contesting the claims. The Response was accepted and served on the Claimant on 25 March 2025.
5. On 10 June 2025 both parties were sent a letter asking them to submit their bundle for the June Hearing (by email). The Respondent replied the same day, with the Claimant on copy, providing a bundle, case management agenda and draft list of issues.
6. The Claimant failed, without explanation, to attend the June Hearing and EJ Tinnion adjourned the hearing to be reconvened at 14:00 on 3 October 2025. He issued a case management order (sent to the parties on 14 June 2025) which, among other things, said:

[...]

2. The Claimant must attend the PHCM on 3 October 2025, and is warned that if he does not attend he is at serious risk of all of his claims being struck out at that PHCM if he provides no reasonable excuse for his non-attendance.

By 4pm on 27 June 2025, the Claimant must send an email to the Tribunal and Respondent:

- a. *explaining why he did not attend the PHCM on 11 June 2025 and, if he relies upon any health-related matter(s) to explain his non-attendance, must provide copies of any relevant documents supporting what he says; and*
- b. *confirming his intention to attend the PHCM on 3 October 2025.*

[...]

5. If an order is not complied with either at all or on time, the Tribunal has powers under the ET Rules of Procedure 2024 to (a) waive or vary the requirement (b) strike out the claim or the response (or part thereof) (c) bar or restrict participation in the proceedings (d) award costs.

6. *Anyone affected by an order may apply to the Tribunal in writing to vary, suspend or set it aside.*

7. *Any application by a party to correct any error or omission in this CMO must be made within 7 days of receipt (taken to be the date the CMO was sent to them).*

[...]

the “**Orders**”.

7. The notice of hearing for this hearing on 3 October 2025 was sent to the parties on 17 June 2025 (by email).
8. On 2 October 2025 the Respondent submitted by email an updated preliminary hearing bundle and index, copied to the Claimant, and confirmed:

“we have heard nothing from the Claimant since the last Preliminary Hearing, and have not received an explanation as to why he did not attend the last Preliminary Hearing. The Respondent therefore intends to apply for strike-out of the Claimant's claim on the basis of his continued non-compliance with the Tribunal's orders and that he is not actively pursuing his claim.”

9. Before 3 October 2025 neither the Tribunal nor the Respondent had had any contact from the Claimant.
10. At 10:22 am on 3 October 2025 the Claimant submitted an email to the Tribunal which I will address more fully below but which indicated that the Claimant would not attend the hearing in the afternoon (the “**Claimant's Email**”).
11. The Respondent replied at 11:45 as follows (copying the Claimant):

“We act for the Respondent in the above claim and write further to the below correspondence received from the Claimant this morning.

Given the proximity to the preliminary hearing, we do not propose to comment on the Claimant's email in detail. However, we would note that whilst the Claimant makes reference to not receiving documents by post, all relevant documents have been sent to the Claimant by email. The Claimant has been in receipt of such emails for many months and, in our view, has not provided an adequate explanation as to why he has only recently opened these emails. We also confirm that a copy of the Respondent's ET3 is included in the preliminary hearing bundle, which was emailed to the Tribunal and the Claimant ahead of the hearing listed in June 2025 and ahead of today's re-listed hearing.

In light of the short notice provided by the Claimant, please be advised that we object to his request to postpone this afternoon's preliminary hearing. As representatives for the Respondent, we are ready to proceed and would suggest that the above matters be discussed at the hearing this afternoon.”

12. The Claimant failed to attend the hearing on 3 October 2025. At my request the hearing clerk tried to reach the Claimant by phone. The call went straight to voicemail and she left a message for the Claimant asking him to join the hearing so that I could speak to him. The Clerk also sent an email to the Claimant at 14:16 saying:

Further to my voicemail of a few minutes ago (in which I left you my direct contact number), Employment Judge Woodhead (who is presiding over the preliminary hearing in your claim now) has asked you to join the hearing via video as he would like to speak to you. This is not a final hearing of your claim, it is a preliminary hearing for case management.

13. The Claimant did not join the hearing or reply to the email. During the hearing I heard submissions from the Respondent and took time to read the Claimant's email and the documents it attached. I adjourned the hearing at 15:28 to read the documents more carefully before making a decision and explaining to the Respondent why I was not considering strike out under Rule 38 (it was still possible to have a fair final hearing). I explained that I would consider whether to either:

13.1 dismiss the Claim under Rule 47 (as the Respondent requested); or

13.2 relist the claim for a preliminary hearing for case management.

14. Rule 47 of the Rules provides:

Non-attendance

47. 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.

15. I do not give full commentary on all aspects of the Claimant's Email because much of it was not relevant and was predicated on an apparent misunderstanding of the tribunal process and that this would be a final hearing of his claim (suggesting that the Claimant had not properly read the Tribunal correspondence or guidance that is readily available online).

16. The Claimant's Email:

16.1 was relatively long and had a number of attachments which the Claimant had found the time to compile (including a video, taken late the previous evening or early in the morning, of his email inbox (the "Video"));

16.2 attached what appeared to be medical documents associated with treatment of his mother. Those documents were not in English and did not evidence adequately that the Claimant himself was unable to (i) attend the June Hearing, (ii) comply with EJ Tinnion's order or (iii) attend the hearing today.

- 16.3 requested documents that had been provided on a number of occasions to him by email. This included a request for the Respondent's ET3 notwithstanding that an extract of that response was in a pdf document that the Claimant had compiled and attached to the Claimant's Email and which he himself referred to in his separate index to that bundle as "20. ET3 response – company denial of all faults and responsibility";
- 16.4 asked for a short adjournment to replace documents destroyed or discarded during an unlawful eviction. This said nothing about why he was unable to (i) attend the June Hearing, (ii) comply with EJ Tinnion's order or (iii) attend the hearing today given that the alleged eviction took place in November 2024. It also did not evidence that the Claimant had not been aware of or, had he exercised reasonable diligence, could not have been aware of these requirements given that the Respondent's and the Tribunal's email correspondence reached the Claimant (as evidenced by the Video). He gave no proper explanation as to why the correspondence had only 'recently' been 'discovered'.
- 16.5 said that "*At the same time my mother's mental health deteriorated rapidly. She began to display signs of cognitive decline and was the victim of a scam in May 2025 that required me to take emergency practical steps (removing her SIM, securing accounts, etc.).*". Again, this did not adequately explain or evidence why he was unable to (i) attend the June Hearing, (ii) comply with EJ Tinnion's order or (iii) attend the hearing today.
- 16.6 Said that "*from **late June–August 2025** I was her [his mother's] primary carer. She underwent urgent brain investigations and, ultimately, a surgical operation on **21 August 2025** at a private hospital*". The June Hearing was in early/mid June and again this did not adequately explain why he was unable to (i) attend the June Hearing, (ii) comply with EJ Tinnion's order (even if he did so late) or (iii) attend the hearing today.
- 16.7 Said "*I confirm I **cannot attend by video** today. My mother is being discharged from hospital **today** and I am her sole immediate carer. I therefore ask that the Tribunal consider a paper hearing or proceed on the written material if it considers there is sufficient evidence — but I remain ready to attend an oral hearing if the Tribunal can schedule it at a later date. The Tribunal may proceed in the absence of a party where fairness permits; I ask only that my exceptional circumstances (unlawful eviction, police involvement and urgent family medical emergency) be taken into account.*". There was no intelligible document in those submitted by the Claimant that evidenced (i) that his mother had been discharged from hospital today (ii) that he was her sole carer (iii) why this prevented him from attending the hearing today (it gave no insight into the burden of his caring responsibilities) or (iv) why he had not let the Tribunal and the Respondent know at an earlier date.
- 16.8 apologised to the Tribunal and to the Respondent for the lateness of this application and explained it by saying it was due "*to the exceptional combination of landlord harassment (including unlawful entry and disposal of my property), the theft/destruction of my evidence, and a sudden and*

serious family medical emergency requiring immediate and ongoing care".
The eviction had happened nearly a year ago and I have addressed the matters relating to his mother above.

17. For the avoidance of doubt, the Video (and page 80 of the Claimant's bundle) showed that the Claimant had received emails from the Tribunal and Respondent, with attachments, on 17, 14, 10 June and 2 January 2025. It did not explain why he had not opened them, read them and taken action on their contents.
18. Taking into account that the Claimant appears to have misunderstood the purpose of the hearing today and the information available to me as set out above, I conclude that it is in the interests of justice to dismiss the claim pursuant to Rule 47 because:
 - 18.1 The Claimant had been given notice of the June Hearing and this hearing and clearly received the necessary email correspondence.
 - 18.2 The Claimant gave no adequate explanation for not reading and acting on the notice of hearings, orders of EJ Tinnion or the other correspondence from the Tribunal and Respondent.
 - 18.3 The Claimant has now failed to attend two tribunal hearings without adequate explanation. I note that the resources of the Tribunal are scarce and time and resource wasted on this claim is time and resource not available to the thousands of other tribunal service users who want decisions made for them. An individual has an important right to bring a claim in the Tribunal but that right comes with responsibilities.
 - 18.4 The Claimant failed to attend the hearing, even to explain why he could not address the matters to be dealt with today, despite being asked to do so on the afternoon of the hearing (in voicemail/email messages) by the Tribunal clerk.

Employment Judge Woodhead

Date 3 October 2025

Sent to the parties on:

8 October 2025

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For the Tribunals Office