



## **EMPLOYMENT TRIBUNALS**

Claimant

Respondent

**Mr D Al Baradan**

**Marina Kitchen**

Heard at: **Manchester**

On: **23 April 2026**

Before: **Employment Judge Kenward** (sitting alone)

### **Appearances**

For the Claimant: **no appearance**

For the Respondent: **Mr A Akhter** (Director)

## **JUDGMENT**

The Claim is dismissed under rule 47 of the Employment Tribunal Procedure Rules 2024 on the ground of the Claimant not having attended the hearing.

### **REASONS**

1. This case was listed for a case preliminary management hearing to clarify the complaints being raised and to give directions in the case.
2. The claimant failed to attend the hearing.
3. Rule 47 of the Employment Procedure Rules 2024 (the "ET Rules") is in the terms set out below.

*"If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim.... Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence".*

4. The power in rule 47 of the ET Rules must be exercised in accordance with the overriding objective in rule 3 of the ET Rules. The overriding objective is to deal with cases fairly and justly. This includes avoiding delay, saving expense and acting proportionately.



5. This is a case where the Claimant gives the dates of his employment as a kitchen assistant as being between 18 and 23 March 2025. The Respondent was cited as Marina Kitchen which appears to be just a trading name rather than a legal entity. The Claimant alleges that, over the course of this period, a manager used racist language towards him and then assaulted him on 23 March 2025.
6. Early conciliation commenced through ACAS being notified of the prospective Claim on 6 May 2025. ACAS issued the early conciliation certificate on 17 June 2025. The ET1 Form of Claim was received by the Tribunal on 1 July 2025. At section 8.1 of the ET1 Form of Claim, the Claimant ticked the applicable boxes to indicate that he was bringing complaints of race discrimination and arrears of pay. An address was given for the Claimant but no other personal contact details which was consistent with the fact that contact details were given for a legal representative acting for the Claimant.
7. The Notice of Hearing for the preliminary hearing on 23 April 2026 had accordingly been sent to the address given for the legal representative on 5 September 2025.
8. An ET3 Form of Response was filed on behalf of the Respondent which appeared to take issue with the Claimant's version of events, including making counter-allegations.
9. The ET3 Form of Response was also to the effect that Marina Kitchen was a limited company (so that it would be correctly cited as a Respondent as Marina Kitchen Limited).
10. At the preliminary hearing it was confirmed that Marina Kitchen Limited was dissolved on 7 April 2026. This information can be confirmed on the Companies House website which shows that, on 20 January 2026, the Registrar of Companies had given notice that, unless cause was shown to the contrary, Marina Kitchen Limited would be struck off the Register and dissolved.
11. On 7 April 2026, the Claimant's representative emailed the Tribunal stating that she was no longer representing the Claimant and that any correspondence should be sent directly to the Claimant with an e-mail address being provided for these purposes.
12. The Tribunal is satisfied that the Claimant would have been aware of the preliminary hearing on 23 April 2026 as, at the date when the Notice of Hearing was provided, it was sent to the legal representative who was on record as representing him. The Notice of Hearing included a Case Management Agenda



form with instructions that this should be completed and returned to the Tribunal seven days before the hearing. No completed Case Management Agenda form had been received from the Claimant. No other documents have been provided by him for the purposes of the hearing on 23 April 2026.

13. As a result of the Claimants non-attendance on 23 April 2026, the start of the hearing was delayed in order for the clerk to the Tribunal to seek to make contact with the Claimant so as to ascertain if he was intending to attend the hearing. In practical terms, as no telephone number had been provided for the Claimant, all that the clerk to the Tribunal was able to do was to e-mail the Claimant, with there being no reply.
14. In the circumstances, the preliminary hearing commenced in the absence of the Claimant, and I gave consideration as to the options open to the Tribunal, which included making case management directions in the absence of the Claimant, or adjourning the case, or dismissing it because of his non-attendance. Having regard to the information set out above, and taking account of the overriding objective, I decided that the appropriate course of action was to dismiss the Claim. The alternative course courses of action were likely to involve significant further delay and the utilisation of further Tribunal resources in a case where there was no meaningful indication that the Claimant was still actively pursuing the matter.

Approved by  
Employment Judge Kenward

Dated 23 April 2026

Sent to the parties on

13 May 2026

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For the Tribunal office



**Notes**

Judgments and reasons for the Judgments are published, in full, online at [www.gov.uk/employment-Tribunal-decisions](http://www.gov.uk/employment-Tribunal-decisions) shortly after a copy has been sent to the Claimant(s) and Respondent(s) in a case.

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. 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: <https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>