



EMPLOYMENT TRIBUNALS

Claimant: Mr S Moullef

Respondent: New Life Balance Limited

Heard at: London South Employment Tribunal, Croydon

On: 28 July 2026

Before: Employment Judge Abbott

Representation

Claimant: not in attendance

Respondent: Ms O Egorova, director of the respondent

JUDGMENT

The claim is dismissed.

REASONS

1. The claim was listed for a 4-day final hearing starting today. The claimant failed to attend.
2. Rule 47 of the Employment Tribunal Procedure Rules 2024 provides that:

“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.”
3. No communications were received from the claimant in the days prior to the hearing today. In fact, it does not appear that the claimant has taken any active part in these proceedings since the preliminary hearing on 21 October 2025 at which directions were made to this final hearing.
4. The only communication received from the claimant has been a response to the Tribunal’s pre-hearing check correspondence. A standard form letter was sent to both parties on 17 June 2026 seeking confirmation of the parties’ readiness for the final hearing. The respondent responded to confirm it was ready but that the claimant had not complied with any of the directions or engaged in the proceedings at all. The claimant did not send a response at all. This was then followed up by a letter from the Tribunal dated 2 July 2026 which, considering the claimant’s non-response to the

previous letter, warned the claimant that his claim may be struck out for not being actively pursued and/or failure to comply with Tribunal directions. The claimant did respond to this letter by an email that he sent to the Tribunal and the respondent on 8 July 2026. I set out its contents in full:

“Dear Employment tribunal

I am writing in response to the tribunal's email dated 2 July regarding my claim.

I sincerely apologise for my lack of response to previous correspondence. I would like to make it clear that I have not abandoned my claim and that I wish to continue pursuing those proceedings.

Following the preliminary hearing in 2025 where both parties agreed to explore settlement, I experienced a number of serious personal and financial difficulties which had a significant impact on my mental health and my ability to deal with official correspondence.

I lost my job when the business closed, which caused severe financial hardship and left me extremely worried about my housing situation. I later found another job but was not paid for two months, which placed me under further financial pressure. During the same period, I also received distressing news concerning my family.

As a result of these events, my mental health deteriorated significantly. I experienced what felt like a mental breakdown and struggled to manage every day tasks, including opening and responding to emails relating to my Employment Tribunal case. My failure to respond was not because I had lost interest in my claim or wished to withdraw it. It was because I was overwhelmed and unable to cope at that time.

I also wish to explain that I have a previous traumatic experience involving being arrested and detained for a period of time, which has had a lasting impact on my mental wellbeing.

Dealing with official proceedings can trigger significant anxiety and difficult memories from that experience. Receiving correspondence about this case during an already extremely difficult period contributed to my inability to engage properly with the process.

I respectfully ask the Tribunal not to strike out my claim. I remain committed to pursuing my case and I am now making every effort to re-engage with the proceedings.

Due to the impact these circumstances have had on my mental health and my ability to communicate effectively in writing, I respectfully request that the Tribunal consider listing a face to face hearing or case management hearing. I believe this would allow me to explain my circumstances more clearly and respond properly to any questions the Tribunal may have.

If The Tribunal requires any further information, evidence, or a formal application for additional time, I would be grateful for the opportunity to provide this.

Thank you for considering my explanation and request.”

5. No supporting evidence was provided with this email. There is no evidence on the Tribunal file of any efforts that the claimant has in fact taken in

respect of re-engaging with the proceedings between his email on 8 July 2026 and today.

6. Upon the claimant not arriving by the listed start time of 10:00am, I instructed the Tribunal clerk to call him to ascertain whether he was intending to come. The calls were unanswered. I then instructed the clerk to send an email to the claimant in the following terms:

“This email is sent on behalf of Employment Judge Abbott, who is the Judge assigned to hear the final hearing of your claim. Today is the first day of the final hearing, and the hearing was due to begin at 10am. You have not attended at the Tribunal venue in Croydon. The clerk has attempted to telephone you but has been unable to get through.

The Judge has directed that he will give you until 10:45am to provide an explanation for your non-attendance before he decides how to proceed. He wishes to make you aware that, under Rule 47 of the Employment Tribunal Rules of Procedure 2024, 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.”

7. That email was sent shortly after 10:20am. By 10:45am, no response had been received from the claimant to the clerk’s email and he had not arrived at the hearing venue. I commenced the hearing at that time to enquire of the respondent whether they had had any contact from the claimant since 8 July 2026 – Ms Egorova confirmed that they have had no further contact from him either.
8. In all the circumstances, it is plain that the claimant is not actively pursuing his claim as evidenced by his non-attendance today. I am satisfied that the overriding objective is best served by dismissing the claim today pursuant to Rule 47. Any other approach would be grossly unfair to the respondent, which has fully prepared for this hearing, including complying with its disclosure obligations, preparing the hearing bundle, and preparing 7 witness statements in response to the allegations levelled against it by the claimant.
9. I consider that the claimant’s conduct of these proceedings, since the preliminary hearing on 21 October 2025 up to and including today, has been unreasonable. Under Rule 74(2)(a), I therefore must consider making a preparation time order, *i.e.* an order that the claimant make a payment to the respondent in respect of the respondent’s preparation time while not represented by a legal representative.
 - a. If the respondent wishes me to make such an order, it must **within 28 days** from the date this judgment is sent to the parties, provide to the claimant and the Tribunal information about the number of hours it has spent defending this case **since the preliminary hearing on 21 October 2025**;
 - b. The claimant must provide any written representations he wishes to make about the preparation time claimed **within 21 days** after receiving the respondent’s information;
 - c. I will then decide whether to exercise my discretion to make a

preparation time order and, if so, decide on the sum to be awarded by assessing what I consider to be a reasonable and proportionate amount of time for the respondent to have spent on such preparatory work and then applying the defined hourly rate that is applicable (£45 per hour prior to 6 April 2026 and £46 per hour from 6 April 2026 onwards).

Approved by:
Employment Judge Abbott
Date: 28 July 2026

Sent to the parties on:
Date: 5 August 2026

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Recording and Transcription

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/>