



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr P Balla

v

KAB Seating

Heard at: Cambridge

On: 27 November 2017

Before: Employment Judge D Moore

Members: Mr H Smith and Mrs CA Smith

Appearances

For the Claimant: Did not attend and was not represented.

For the Respondent: Mr I Wilson, Solicitor.

JUDGMENT ON COSTS

1. The claimant shall pay to the respondent the sum of £164.23 (One hundred and sixty four pounds and twenty three pence) as a contribution towards their costs.

REASONS

1. The basis of this application for costs relates to the fact that the claimant, whose case contained multiple claims arrived for a five day hearing having failed to comply with orders or indeed without apparently having prepared for the hearing at all. His witness statement covered less than half a page of A4 paper and did not address the issues in the case. He had indicated to the respondents that he intended to call six witnesses. None attended and he (after some prevarication) admitted that he had not made arrangements for them to attend. He was given time and on the second day he withdrew his claim. We are satisfied that his conduct of the case was unreasonable. He had been advised at a preliminary hearing that he would find it beneficial to take advice and he was given details of organisations who could assist free of charge. He had been advised in

correspondence by the respondent that he needed to prepare a witness statement and that witnesses would need to attend the hearing.

2. This matter has been outstanding for sometime, it having been postponed upon proof that the claimant was unfit to attend. He has not attended today and despite knowing of it's necessity, has not produced any medical evidence. He e-mailed the tribunal 7 days ago to say that he had asked his Doctor to confirm that he was unfit but that his Doctor had lost the letter. We note that if that was the case there has been more than adequate time for a replacement to have been obtained and sent. He has not expressly applied for a postponement. He has not sent in written representations despite being informed that he may do so in the notice of hearing.
3. Having heard from the respondent we consider that it is appropriate to proceed in the claimant's absence. The amount claimed is small. The claimant remains in the respondent's employ (although he has not attended work for some time). We have concluded that in these circumstances the fact that we could not enquire into his means is not detrimental to fairness.
4. The amount claimed is as we have said a modest contribution towards the respondent's costs and is less than is ordinarily the cost of one hours attendance by a representative. There are no grounds to suggest that it is unreasonable. Accordingly we make the order in the sum claimed.

Employment Judge D Moore

Date:08/12/2017.....

Sent to the parties on:

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For the Tribunal Office