



EMPLOYMENT TRIBUNALS

Claimant

Respondent

D K Hattesoht

v

**Garden Rooftop (Criterion
Hospitality Ltd)**

Heard at: London Central (by video)

On: 20 October 2022

Before: Employment Judge P Klimov (sitting alone)

Representation:

For the Claimant: not present or represented

For the Respondent: Ms Springer (solicitor)

JUDGMENT

The Claimant's claim is dismissed.

REASONS

1. The claim was listed to be heard on 20 October 2022 by video. The notice of hearing was sent to the parties on 12 September 2022. On 19 October 2022 the Tribunal sent to the parties the joining instructions for the hearing.
2. The respondent joined the hearing. The claimant did not join the hearing. The clerk tried to contact the claimant. The clerk sent to the claimant several emails asking him to join the hearing. The claimant did not reply. The clerk also tried calling the claimant several times, but the calls went straight into voicemail.

3. At 10:15am, on my instructions, the clerk emailed the claimant and left a voice mail with the following message:
*You did not attend the final hearing in your case scheduled for today, 20 October 2022, starting at 10am.
The Tribunal tried to contact you several times. You did not respond to the emails and did not answer the calls.
If you do not join the hearing by 10:30am, the hearing will proceed in your absence, a judgment can be made against you, and you may be made liable to pay the respondents legal costs.*
4. At 10:30am I started the hearing. The claimant did not join the hearing. Ms Spinger for the respondent confirmed that the claimant had not been in contact with the respondent.
5. I considered whether I should proceed and deal with the claimant's claim on the merits in the claimant's absence. I decided against that. The claimant's claim was unclear. His ET1 stated that he was not paid correctly due to wrong rate but gave no further details. It also stated that his contract was "counterfeited" but gave no particulars of the allegation. There were no other sensible particulars in the ET1. The respondent denies making any unlawful deduction from the claimant's wages and seeks further particulars of the claimant's claims to be able to respond to the claim. In the absence of the claimant or any written representations from him it was not possible to clarify the issues.
6. I then considered if I should postpone the hearing. I decided against that. The claimant was given ample notice of the hearing. He did not contact the Tribunal to ask for a postponement if he was not able to attend on the fixed date. The Tribunal made several attempts to contact the claimant. He did not respond.
7. In the circumstances, I decided that it would be in accordance with the overriding objective to exercise my powers under Rule 47¹ of the Employment Tribunals Rules of Procedure and dismiss the claimant's claim.

Employment Judge Klimov

20 October 2022

Sent to the parties on:

20/10/2022

¹ 47. Non-attendance

If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. 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.

For the Tribunals Office

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