



EMPLOYMENT TRIBUNALS

Claimant: Mr P Field

Respondents: Secretary of State for Business, Energy and Industrial
Strategy R1
Ashyfield Limited (In Liquidation) R2

Heard at: London South **On:** 26/1/2023
(Croydon) via CVP

Before: Employment Judge Wright

Representation:

Claimant: Did not attend

Respondent: Did not attend

JUDGMENT

The claimant's claim is dismissed.

REASONS

1. The notice of hearing was dated 22/9/2022. On 16/1/2023 the claimant applied for the hearing to be postponed as he required more time to prepare. On the same date, the first respondent agreed with the

claimant's application for the reasons the claimant had mentioned in his email. The application was refused.

2. On 26/1/2023 the first respondent wrote to the Tribunal to say that on 5/1/2023 it had informed the claimant that his representative was involved in another hearing on the 27/1/2023 at the London East Tribunal. It is noted the first respondent did not provide this reason to the Tribunal prior to this email.
3. The parties were informed at 12:40 on the 26/1/2023 that the postponement application was unsuccessful and that the hearing would go ahead.
4. It is not acceptable for the representative of the first respondent not to attend the Tribunal or in the alternative, not to inform the Tribunal there would be no attendance. Certainly when the first respondent has the resources which he has.
5. The Rules provide:

Written representations

42. The Tribunal shall consider any written representations from a party, including a party who does not propose to attend the hearing, if they are delivered to the Tribunal and to all other parties not less than 7 days before the hearing.

Non-attendance

47. 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.

6. There were no written representations provided.
7. There was no reasonable explanation for the claimant's non-attendance at a video hearing which was only scheduled to last two hours. In view of the circumstances and the claimant's non-attendance, the claim was dismissed.

27/1/2023

Employment Judge Wright