



EMPLOYMENT TRIBUNALS

Claimant: Mr C Razc
Respondent: Kasko Parts Services Ltd.
Heard at: East London Hearing Centre (By CVP)
On: 25 May 2023
Before: Employment Judge B Beyzade

Representation

For the Claimant: Did not attend
For the Respondent: Mr I Kasko, Director

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the tribunal is that:

1. The claimant being neither present nor represented at a point in excess of one hour and thirty minutes after the time set for Final Hearing and there being no answer on the first telephone number furnished by the claimant for the purposes of the Tribunal communicating with him, a voicemail message having been left for the claimant on the second telephone number furnished by the claimant at around 10.15am, and no reply to the email sent to him from the Clerk to the Tribunal at 10.25am; on the respondent's application made at the Bar, the Tribunal dismisses the claim in terms of Rule of Procedure 47 of Schedule 1 to the *Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013*.

REASONS

1. The claimant lodged a claim for unlawful deduction of wages (non-payment of minimum wages, overtime, and holiday pay), the failure to provide a

statement of terms of employment and the failure to provide itemised pay statements on 02 December 2022, which the respondent defended.

2. The claimant indicated on his Claim Form that he would be able to take part in a hearing by video.
3. On 24 January 2023 the Tribunal issued directions to the parties and parties were accordingly directed to exchange documents by 21 March 2023, to prepare a File of Documents by 04 April 2023; to exchange witness statements by 18 April 2023; and the claimant was required to provide details of financial loss by 07 March 2023.
4. By a Notice of Hearing issued to parties on 24 January 2023 the Final Hearing was listed to take place by Cloud Video Platform (video hearing) on 25 May 2023 at 10.00am with a time allocation of 1 day.
5. On 27 March 2023 the claimant was directed by Acting Regional Employment Judge Burgher that by 11 April 2023 he was required to clearly specify the hours he worked each week and the amount he was paid for each week.
6. No correspondence having been received from the parties, Ms K Bennett, Legal Officer sent a letter to the parties dated 18 April 2023 requesting them to confirm on or before 02 May 2023 that they will be ready for the hearing and that they had complied with the Tribunal's orders dated 24 January 2023.
7. Mr I Kasko, Director of the respondent who represented the respondent during today's hearing, replied by email dated 11 May 2023 advising that he had been away due to family issues, and he confirmed that his email address was correct. There was no correspondence received from the claimant.
8. On 12 May 2023 Acting Regional Employment Judge Burgher directed that the case remained as listed and that any documents not disclosed by 19 May 2023 and any witness statements not provided to the other side by 22 May 2023 will not be admitted without leave of the Tribunal. Parties were advised that any party in default may be limited to the content of their pleadings.
9. On 24 January 2023, the CVP hearing log-in details were sent to the claimant which were contained on the Notice of Hearing. There was no further correspondence received from the claimant thereafter.
10. The case called for Final Hearing at the London East Employment Tribunal by Cloud Video Platform on 25 May 2023 at 10.00am.
11. The respondent's representative, Mr I Kasko was in attendance. There was no appearance for or on behalf of the claimant.

12. The case file records that Notice of the date and time set down for Hearing was sent to the claimant on 24 January 2023 at the correspondence address provided by him to the Employment Tribunal for the purposes of receiving such communications. No return of the Notice of Hearing issued to the claimant has been received by the Tribunal.
13. On the sitting Judge's directions, the Clerk checked and confirmed that no contact had been made by the claimant with the Tribunal in connection with the Hearing since the correspondence sent to him by email on 24 January 2023. On the sitting Judge's direction, the Clerk attempted to communicate with the claimant on the two telephone numbers provided by the Claimant for that purpose, at around 10.15am on the day of the Final Hearing. Although there was no reply on the first mobile telephone number, a voicemail message was left on the second mobile telephone number at around 10.15am advising the claimant that if he did not log-in to the Hearing by 10.45am the Hearing will proceed in his absence. The claimant was also sent an email by the Clerk at 10.25am requiring the claimant to login and attend the hearing by 10.45am and in default of which the Hearing would proceed in his absence. He was provided with a further copy of Notice of Hearing and the log-in details for today's hearing within that email.
14. The Tribunal sat at 10.54am and then adjourned briefly at 11.10am and sat again at 11.35am to afford the claimant the opportunity to attend (though late) or to communicate with the Tribunal regarding his non-attendance.
15. At 11.42am and on no further correspondence having been received from the claimant, and on the respondent's application the Tribunal dismissed the claim in terms of Rule of Procedure 47 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("the ET Rules"). The respondent's representative submitted that the claimant had been afforded the opportunity to attend the Final Hearing, to provide any relevant documents and he had not communicated with the respondent since 10 January 2023. He submitted that the respondent was entitled to finality in this matter, and that all relevant payments had been made to the claimant, in addition to providing the claimant with accommodation for an extended period.
16. I explained to the respondent's representative that it will be open to the claimant to consider proceeding by way of Application for Reconsideration of the Judgment if he believes that there are grounds for him to do so.
17. The claimant had not communicated with the Tribunal in relation to any reason for his non-attendance.
18. The claimant did not attend today's hearing and Rule 47 of the ET Rules specifically deals with non-attendance at a hearing. I therefore considered the respondent's application under Rule 47 of the ET Rules to be well-founded and I dismissed the claimant's claim. I took into account the

Tribunal's overriding objective (Rule 2 of the ET Rules).

Employment Judge B Beyzade
Dated: 25 May 2023