



EMPLOYMENT TRIBUNALS

Claimant: Mr. K March

Respondent: Sussex Refreshment Limited t/a The Sussex Exchange

Heard at London South (by video)

On: 16 September 2024

Before: Employment Judge Corrigan

Appearances

For the claimant: No attendance

For the respondent: No attendance

JUDGMENT

1. The claim is dismissed.

REASONS

1. Neither party attended the hearing. The tribunal clerk called both parties. He was able to reach the claimant who confirmed the log in details had been sent to the correct email address but he had not seen them. The call was cut off following a question from the clerk to the claimant. Further attempts to reach him went to voicemail. The clerk left a message asking for further information about whether the claimant had done as suggested in the response and contacted “the Administrator” for The Sussex Exchange Ltd. The claimant did not call back.
2. Rule 47 of the rules of procedure states that if a party does not attend the tribunal may dismiss the claim or proceed in the party’s absence. 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.

3. In the response the respondent said the correct employer was The Sussex Exchange Ltd, which was said to be in administration, and that the claimant should contact “the administrator”. The tribunal wrote to the claimant on 6 March 2024 to ask if he agreed that The Sussex Exchange Ltd was the correct employer. No answer was received from the claimant and so no action has yet been taken to serve that employer.
4. On 7 August 2024 the tribunal wrote to the parties requesting a response by 21 August 2024 to indicate whether or not the hearing was still required and if so, confirmation they would be ready, having complied with case management orders. No reply was received from either side (save for a letter from the respondent’s representative coming off the record). That letter warned the parties that failure to reply could lead to the claim or response being struck out for non-pursuit.
5. It does seem that the claimant is not pursuing his claim.
6. As he did not object, it would appear that in any event if the claim proceeds The Sussex Exchange Ltd should be substituted against Sussex Refreshment Limited t/a the Sussex Exchange, and the case against this respondent should be dismissed.
7. The Sussex Exchange Ltd is in fact in creditors voluntary liquidation (not administration) since 17 July 2023. The liquidators (not administrator) are listed on Companies House as Joanne K Rolls, Opus Restructuring Llp, 322 High Holborn, London WC1V 7PB and Colin David Wilson, 1 Radian Court, Knowlhill, Milton Keynes, Buckinghamshire, MK5 8PJ. For the claim to proceed they would have to be served with the claim.
8. Either way the company is therefore insolvent and if the claimant made or makes contact with the liquidators they are likely to forward him to the Redundancy Payments Service (with the ‘CN’ (case reference) number needed to claim) to make a claim for the payments owed to him. It may be that he has already done this.
9. I decided to dismiss the claim as the claimant has not attended or taken the opportunity when the clerk called to explain his absence. He doesn’t appear to be pursuing his claim.
10. If he does wish to pursue the claim he can still approach the liquidators named above, and the Redundancy Payments Service, to make a claim for the money owed to him.

Employment Judge Corrigan
16 September 2024

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