



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr T Neal  
**Respondent:** Murray McIntosh (a firm)  
**Heard at:** East London Hearing Centre (by CVP)  
**On:** 3 October 2024  
**Before:** Employment Judge Hook

## Representation

**Claimant:** Did not attend and was not represented  
**Respondent:** Mr S Cave, managing director

# JUDGMENT

- 1. All of the claimant's claims (claims for holiday pay and unpaid wages / unlawful deductions from wages) are dismissed on the claimant failing to attend, under rule 47 of the Employment Tribunal Rules.**

# REASONS

1. The case was listed for final hearing today. The respondent's managing director attended but there was no attendance by the claimant. Telephone calls were made to the claimant by the Tribunal clerk, which were unanswered. This had also happened on 1 July 2024 when the case was previously listed for final hearing. Then, as now, the respondent attended but not the claimant who, as today, did not answer this telephone to the Tribunal clerk.
2. After the hearing on 1 July 2024 the parties were sent case management orders made by EJ Howden-Evans in which the claimant was ordered to, within 14 days, write explain his non-attendance and whether he wishes to continue with his claims. EJ Howden-Evans explicitly referred to both the power to dismiss the case for non-attendance under rule 47 and the possibility of the claimant's case being struck out under rule 37. No

correspondence has been received from the claimant in reply to the orders made or at all since the 1 July 2024 hearing.

3. On 10 September 2024 the Tribunal sent the claimant a strike out warning after his failure to comply with the orders referred to above and stated he should reply by 24 September 2024. No reply has been received from the claimant.
4. The claimant has, therefore, twice failed to attend final hearings in this case, has failed to answer the telephone when the Tribunal staff have tried to contact him on hearing days and has ignored case management orders and a strike out warning.
5. The claimant's actions suggest he has no intention to pursue his case.
6. The respondent confirmed they have not had any recent contact from the claimant.
7. Non-attended hearings are a waste of public resources and an inconvenience for those parties who do attend.
8. There was no indication that further adjournment of this case would achieve anything. The claimant has had two opportunities to present his case and has not done so. It was clear to the Tribunal that the right course of action was to dismiss the claimant's claims.

**Employment Judge Hook  
3 October 2024**