



EMPLOYMENT TRIBUNALS

Claimant: Mr Terry Bishop

Respondent: Thameside Electrical Limited (in liquidation)

Heard at: East London Hearing Centre (by CVP)

On: 11 March 2024

Before: Employment Judge S Povey

Representation

For the Claimant: No attendance

For the Respondent: No attendance

JUDGMENT

1. The claim is dismissed pursuant to Rule 47 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

REASONS

1. This is a claim brought by Terry Bishop ('the Claimant') against his former employer, Thameside Electrical Limited ('the Respondent'). The Claimant seeks a redundancy payment and notice pay.
2. Following a period of ACAS Early Conciliation, the Claimant presented his claim to the Tribunal on 13 November 2023. On 29 December 2023, the parties were notified by the Tribunal that the final hearing of the claim would take place by video on 11 March 2024 at 12.00pm. The parties were told to send any evidence they wished to rely to the Tribunal ahead of the hearing.

3. On 27 February 2024, the Tribunal:
 - 3.1. Informed the Respondent that, as it had not responded to the claim, a judgment against it may be entered and it could only participate in the hearing on 11 March 2024 to the extent permitted by the judge; and
 - 3.2. Asked the Claimant to send any evidence that he wished to rely upon to the Tribunal by 5 March 2024.
4. Nothing was received from the Claimant. Enquiries of Companies House revealed that the Respondent commenced a creditors voluntary liquidation from 14 December 2023.
5. On 11 March 2024, no one had attended the hearing by 12.00pm. The Tribunal clerk rang the Claimant on the telephone number provided on two occasions but there was no answer and no facility to leave a message. The Tribunal waited until 12.30pm but still no one attended.
6. The Tribunal had not received any request from the Claimant to postpone the hearing nor any explanation for his non-attendance. However, it was noteworthy that he had failed to respond to the requests on 29 December 2023 and 27 February 2024 for evidence in support of his claim.
7. Rule 47 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 states as follows:

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.
8. I have considered the following in deciding whether to dismiss the claim under Rule 47:
 - 8.1. It is for the Claimant to prove, on the balance of probabilities, that he is owed the sums he claims;
 - 8.2. The Claimant has failed to provide any evidence in support of his claim, despite being asked to do so on two separate occasions;
 - 8.3. The Claimant was aware of the hearing on 11 March 2024 but failed to attend;
 - 8.4. The Tribunal took steps to contact the Claimant on 11 March 2024 (without success) and delayed the start of the hearing until 12.30pm; and
 - 8.5. The Claimant provided no explanation for why he did not attend, nor did he ask in advance for the hearing date to be changed.

9. For all those reasons, it is appropriate to exercise the power available under Rule 47 and dismiss the claim.

**Employment Judge S Povey
Date: 11 March 2024**