



EMPLOYMENT TRIBUNALS

Claimant: Mr R D'Souza

Respondent: GV Group (Gates Ventures) Limited

Heard at: London South Employment Tribunal (by CVP)

On: 9 June 2021

Before: Employment Judge Abbott (sitting alone)

Representation

Claimant: Not in attendance or represented

Respondent: Appearing by its Director, Mr T Tobun, and its Group Business Director, Mr D Weeks

JUDGMENT

The claim is dismissed pursuant to rule 47 of the ET Rules of Procedure 2013.

REASONS

1. The Tribunal was today listed to hear the final hearing of the claimant's complaint of unlawful deduction of wages. Notice of Hearing was sent to the parties on 12 August 2020, upon issue of the claim. By a letter of 26 May 2021, the Tribunal informed the parties that the hearing would proceed by CVP. Joining instructions were emailed to the parties on the morning of 9 June 2021.
2. The case was called on at 14:00pm. The Claimant was not in attendance. The Tribunal Clerk made enquiries of the Claimant, attempting contact to the Claimant's mobile telephone on multiple occasions and by sending an email to the Claimant. No response was forthcoming by 14:30pm.
3. I enquired with the Respondent whether they had had any contact from the Claimant, noting that there was an email on file that Mr Weeks of the Respondent had sent to the Claimant on 24 May 2021 requesting further information in relation to the claim. Mr Weeks confirmed that the Claimant

had not responded to that email, nor had the Respondent had any success in seeking to engage with the Claimant via ACAS. In fact, I was told that the Respondent had not had contact from the Claimant since the claim was commenced.

4. On checking the Tribunal's file, it is apparent that the Tribunal has had no contact from the Claimant since the claim was presented either.
5. Rule 47 of the ET Rules of Procedure provides that, if a party fails to attend or 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, the Tribunal must first consider any information which is available to it, after any enquiries that may be practicable about the reason for the party's absence.
6. Having: (a) made enquiries of the Claimant with no success, (b) checked with the Tribunal's administration for any communication from the Claimant with none being identified, and (c) having had no explanation from the Claimant for his absence or the lack of any participation in preparation for the hearing, I consider that the appropriate course, taking account of the overriding objective, is to dismiss the claim.
7. If the Claimant seeks reconsideration of this judgment, he must do so within 14 days of it being sent to him. Any such application must be copied to the Respondent and contain an explanation of why the claimant failed to attend, be represented at, or to make any preparations for the hearing.

Employment Judge Abbott
Date: 9 June 2021

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