



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr T Miles

**Respondent:** Rapid Care Limited

**Heard at:** London South Employment Tribunal (by CVP)

**On:** 8 June 2021

**Before:** Employment Judge Abbott (sitting alone)

## Representation

Claimant: Not in attendance or represented

Respondent: Not in attendance or represented

# JUDGMENT

1. The name of the respondent is amended to Rapid Care Limited.
2. 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 unfair dismissal and claim for a redundancy payment. Notice of Hearing was sent to the parties on 22 September 2020, upon issue of the claim. By a letter of 22 May 2021, the Tribunal informed the parties that the hearing would proceed by CVP. Joining instructions were emailed to the parties on 7 June 2021.
2. The case was called on at 10:00am. Neither party was in attendance. The Tribunal Clerk made enquiries of the parties, attempting contact by telephone on multiple occasions. Messages were left on the voicemails of the parties' telephones. Neither party had responded by 10:50am. On a final attempt shortly before 11:00am, the Clerk did manage to speak to someone on the Respondent's telephone line, but that person was unaware of these proceedings.

3. Although not attending the hearing, the Respondent wrote to the Tribunal on 18 February 2021 noting that they had not heard anything from the Claimant regarding the claim since completing their ET3. In particular, the Respondent noted that the Claimant had failed to comply with directions requiring him to serve a document setting out how much compensation he is claiming and the basis for that calculation. The Respondent invited the Tribunal to “close down” (*i.e.* dismiss) the case.
4. 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.
5. Plainly the hearing could not proceed in the absence of both parties. The question is whether, taking account of all information available to me, including the Respondent’s written submission of 18 February 2021, I should dismiss the claim.
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 considered 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: 8 June 2021

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