



# EMPLOYMENT TRIBUNALS

Claimants: James Dunn

Respondents: Herongrange Recruitment and Training Solutions Ltd

Heard at: Midlands East Employment Tribunal via CVP

Date: 10 February 2023

Before: Employment Judge R Broughton

Representatives:

Claimants No Attendance

Respondent Ms Malham – HR Manager

## JUDGMENT

The claimant's claim is dismissed under Rule 47 Employment Tribunal Rules of Procedure 2013 following his failure to attend the full merits hearing today

### Reasons

1. Ms Malham, HR Manager attended the hearing to represent the respondent. Mr Sidwell, a director attended as a witness. The claimant did not attend. No application to adjourn the hearing or indeed any communication from the claimant to explain his failure to attend had been received by the Tribunal. When deciding to dismiss the claim under Rule 47, I considered the following information:-
  - 1.1 The claimant had been sent a notice of the hearing on 10 November 2022 to the postal address given on the claim form.
  - 1.2 The claimant had also been sent on 31<sup>st</sup> January 2023, details of the CVP joining details with the date and time of the hearing. This was sent to the email address on the claim form.

- 1.3 In breach of the Tribunal Orders attached with the notice of hearing, the claimant had failed to send in to the Tribunal (and Ms Malham for the respondent informed the Tribunal they had also not received), copies of the documents he was relying upon in support of his claims, his witness statement or a schedule of loss.
- 1.4 No reasons have been provided by the claimant to explain his absence.
- 1.5 The Tribunal telephoned the claimant at 9:58 am and again at 10:09 but could not leave a message as the number was not recognised despite this being the number provided on the claim form.
- 1.6 The Tribunal also sent an email to the claimant at 10:06am using the email address provided on the claim form, however there was no response to the email.
- 1.7 The full merits hearing today was listed to last for 2 hours from 10:00am.
- 1.8 The Tribunal, Mr Sidwell and Malham for the respondent, waited until 10:35 am but the claimant had not attended the hearing or responded to the Tribunal's request for him to make contact by this time.
- 1.9 In all the circumstances, I consider that it is in accordance with the overriding objective to dismiss the claim under Rule 47.

Employment Judge Broughton

Date: 10 February 2023

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.