



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Nowak

**Respondent:** Connect Catering Limited

**Heard at:** Reading                      **On: 1 April 2019**

**Before:** Employment Judge Gumbiti-Zimuto

**Appearances**  
**For the Claimant:** Not attending and not represented  
**For the Respondent:** Miss S Bowen (Counsel)

## JUDGMENT

The claimant's claim is dismissed pursuant to rule 47 of the Employment Tribunals Rules of Procedure 2013.

## REASONS

1. The claimant's claim is dismissed pursuant to rule 47 for the following reasons.
2. The claim was presented on the 13 May 2018 and listed for hearing on 31 October 2018. The hearing of the claim was postponed because of a lack of judicial resources and re-listed to take place today.
3. The claimant has made an application for a postponement of the hearing. The application is made in an email date 31 March 2019 (Sunday) and timed at 20.26 in the following terms: *"I am sorry to inform you I will not be able to attend tomorrow's Tribunal hearing due to illness. I feel very ill and from yesterday and I am unable to travel and to attend this hearing. Please can I kindly as Tribunal to set a different date fir this case hearing."*
4. The claimant has not complied with the presidential guidance in relation to applications for postponements on medical grounds. No medical certificate or supporting medical evidence has been provided; there is no explanation of the nature of the health condition concerned; there is no statement from a medical practitioner that in their opinion the claimant is unfit to attend the

hearing, there is no prognosis of the condition or an indication of when that state of affairs may cease.

5. On the face of the claim it is about a breach of the working time regulations and the claim has been presented out of time. No readily apparent explanation is evident from the face of the claim form or the claimant's additional statement provided on 14 August 2018 save that the claimant's employment did not end until 3 May 2018 and the claim was presented on the 13 May 2018.
6. In so far as it may be suggested that the claim also contains an allegation of breach of contract arising or existing on the date of termination of the employment, it is my view that such a claim has little reasonable prospect of success.

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Employment Judge Gumbiti-Zimuto

Date: 1 April 2019

Sent to the parties on: 12/04/2019

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For the Tribunals Office