



EMPLOYMENT TRIBUNALS

Claimant: Mr G Palmer
Respondent: Stobart Aviation Services Limited
Heard at: East London Hearing Centre (by telephone)
On: Friday 4 September 2020
Before: Employment Judge Moor

Representation

Claimant: Did not attend
Respondent: Ms N Brownbill, HR Manager

JUDGMENT

The claims are dismissed under Rule 47 of the Employment Tribunal Rules of Procedure 2013.

REASONS

1. This claim was presented on 24 February 2020, ACAS Early Conciliation having been completed on the same day. The Claimant contended he was offered a job with the Respondent as a Cargo Operative at Southend Airport, but, except for a day's training on 6 December 2019, he was not provided with work. He claimed loss of earnings.
2. The response contended that the Claimant was in fact engaged as a temporary worker by Deekay Recruitment Limited, a company they use to provide them with temporary workers. They deny that they employed the Claimant at all.

3. A preliminary hearing took place before EJ Ross on 13 July 2020 on the telephone. The Claimant did not attend. In Case Management Orders sent to the parties on 20 July 2020, EJ Ross ordered that a Preliminary Hearing take place today, 4 September 2020, by telephone to determine the question whether the Claimant was employed by the Respondent. EJ Ross made orders that the Claimant should provide documents and a witness statement by 27 July 2020. He has not done so.
4. Those Case Management Orders and the Notice of today's hearing were sent to the Claimant at the email address set on his ET1 form on 30 July 2020. The email address appears to be correct – no 'bounce back' was received and the numbers in it are consistent with his date of birth i.e. they do not appear to be typographical errors.
5. The Claimant did not provide the Respondent or the Tribunal with the witness statement and documents required in the order made by EJ Ross.
6. Ms Brownbill for the Respondent sent the Claimant documents on 10 August to the same email address and she received no reply.
7. The Claimant did not attend today's hearing. I asked the clerk to the Tribunal to telephone the mobile number on the ET1. He did so twice between 10.10 and 10.20. There was no reply. The clerk left a message on the voicemail asking the Claimant to call into the hearing at 10.30am this morning. He did not do so.
8. Rule 47 of the Employment Tribunal Rules 2013 provides:

'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.'
9. I have, above, considered all the material available to me and made the enquiries that it has been practicable to make this morning about the Claimant's non-attendance. This is the second time the Claimant has not attended a hearing in relation to his claim. Both the Tribunal and the Respondent have corresponded with him at the email address set out on his claim form. The Notice of this hearing was sent in good time. The Case Management Orders were written in plain English and were clear about what the Claimant needed to do before the hearing. The Claimant could not be contacted on his telephone number this morning. This is a Claimant who has not contacted the Tribunal or the Respondent since presenting his claim. He has not actively pursued his claim.

10. I therefore dismissal the claim under Rule 47 because the Claimant has not attended and there appears to be no good reason why not and he has not actively pursued his claim.

**Employment Judge Moor
Date: 7 September 2020**