



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Sam Thompson

**Respondent:** CSM Property Solutions Limited

## PRELIMINARY HEARING

**Heard at:** Cambridge

**On:** 24 March 2022

**Before:** Employment Judge Richard Wood

**Appearances:**

**For the Claimant:** Did not attend nor represented

**For the Respondent:** Did not attend nor represented

## JUDGMENT

The claim is struck out under rules 37(1)(c) and (d) of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013 (“the regulations”)

## REASONS

1. This claim was listed for a preliminary hearing on 24 March 2022 before Employment Judge Wood. The issue before the Tribunal was whether it had jurisdiction to hear the Claim, the respondent having raised the issue as to whether the claimant was an employee or a worker, as opposed to being self-employed.
2. Regrettably, neither party attended. There was no apparent explanation for either party’s non-attendance. Furthermore, despite Judge Ord having made directions that the parties provide a bundle and witness statements to each other and to the Tribunal, neither had been supplied to the Tribunal.
3. In this sort of case, the burden is on the claimant to satisfy the Tribunal that he falls within the jurisdiction of the Tribunal, i.e. that he is either employed

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or a worker. Since he has failed to provide any evidence, either in the form of witness statement, or by attending today and given oral testimony, he has failed to discharge this burden. I therefore dismiss the appeal under regulation 37(1)(c) of the regulations (c)('for non-compliance with any of these Rules or with an order of the Tribunal'); and/or regulation 37(1)(d)('that the claim has not been actively pursued').

Employment Judge R Wood

Date: 16 May 2022

JUDGMENT SENT TO THE PARTIES ON

19 May 2022

FOR THE TRIBUNAL OFFICE