



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D Sharples

**Respondent:** Asda Stores Limited

**HELD AT:** Manchester

**ON:** 25 September 2018

**BEFORE:** Employment Judge Franey (sitting alone)

## REPRESENTATION:

**Claimant:** Did not attend

**Respondent:** Mr T Gillie (Counsel)

# JUDGMENT

1. The title of the respondent in these proceedings is amended to Asda Stores Limited to reflect its proper corporate title.
2. The claim is dismissed under Rule 47.

# REASONS

1. This case was listed for a preliminary hearing at 11.30 am for case management purposes. Notice of the hearing was issued to both parties on 20 July 2018.
2. On the claim form the claimant named an official of the GMB union as his representative. The notice of hearing was sent to that person. On 23 July 2018 the GMB's solicitor informed the Tribunal that the claimant was representing himself. No contact was received from the claimant even though the response form was sent to him by the respondent's solicitor by email on 16 August 2018.

3. The claimant did not attend the hearing. No request for a postponement was received.

4. The Tribunal's clerk telephoned the claimant shortly after 11.30 am using the mobile number on the claim form. The person answering the telephone identified himself as the claimant. The clerk said it was the Manchester Tribunal calling. The line went dead. Two further calls to that number went to voicemail.

5. Rule 47 empowers me to proceed in the absence of the claimant or to dismiss his claim. There was information I needed from the claimant about the scope and nature of his claim. In his absence I could not proceed. I decided to dismiss the claim and it is now at an end.

6. If the claimant wishes to pursue his claim, and there is a good reason why he was not present, he can apply by email or by letter for reconsideration of this judgment within 14 days of the date it is sent out to the parties. He will need to copy his application to the respondent's solicitors. The application will need to explain why he did not attend this hearing. The respondent might oppose the application. Whether it will succeed depends on the merits and the interests of justice. If no such application is made, these proceedings are concluded.

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Employment Judge Franey

25 September 2018

JUDGMENT AND REASONS SENT TO THE PARTIES ON

5 October 2018

FOR THE TRIBUNAL OFFICE

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