



# EMPLOYMENT TRIBUNALS

Claimant

Respondent

v

Mr K Essandoh

Just Trays Ltd

**Heard: In person in Leeds**

**On: 14 June 2023**

**Before: Employment Judge JM Wade**

**Appearance:**

**For the Claimant: No attendance**

**For the Respondent: Mr S Calvert, manager, with Mr Foster-Morgan, shift manager**

## JUDGMENT

The claimant's claims against the respondent are dismissed pursuant to Rule 47 upon the claimant's failure to attend or be represented at today's final hearing.

## REASONS

1 The claimant presented complaints of constructive unfair dismissal, other payments and "using drugs to me", the latter being, at face value a police matter rather than an Employment Tribunal case. The claims were presented on 31 January and listed for a final hearing today in a notice sent on 22 February 2023. Standard directions were given. There has been no contact from the claimant to the respondent, I am told, since he left his employment; and only indirect contact from ACAS to the respondent about these proceedings on or around 25 January. Since then there has been no compliance with the standard case management orders given and there was no attendance today by the claimant.

2 He had given two telephone numbers in his ET1 form; a call from our clerk to each one around 10am yielded no results.

3 I considered three possibilities in these circumstances: postpone the hearing even though the claimant had not requested that, proceed with the hearing, or dismiss the claims pursuant to Rule 47.

4 The first option results in wasted cost for the respondent, and the public purse, and has not been requested; the second option is problematic – deciding the complaints on merit in the absence of party is not often consistent with justice.

5 In all the circumstances I consider non attendance and a failure to take any

steps to pursue the claims to be unsatisfactory; the reality is probably that the claimant is getting on with life and a new job, and these proceedings are a burden. In these circumstances, I consider it is fair to dismiss the claims today and bring the proceedings to an end. If I am wrong and the claimant is, contrary to the indications, committed to pursuing them, and has suffered something untoward preventing his attendance today, there is the possibility of an application for reconsideration of this judgment. Any such application must clearly address the comments in these reasons or otherwise say why it is in the interests of justice to revoke this Judgment.

Employment Judge JM Wade

Dated: 14 June 2023

JUDGMENT SENT TO THE PARTIES ON

Dated: 15 June 2023

FOR THE TRIBUNAL OFFICE

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