



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**  
Mr J Barker

AND

**Respondent**  
Sandwell MBC

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL ON A HEARING

HELD AT Birmingham

ON 3 March 2020

EMPLOYMENT JUDGE Dimbylow

### Representation

**For the claimant:** Not present or represented

**For the respondent:** Not present or represented, and having failed to enter a response the claim being undefended

## JUDGMENT

The claimant having failed to attend at this hearing, the claim is dismissed pursuant to Rule 47 of Schedule 1 of the Employment Tribunal Rules of Procedure 2013.

## REASONS

- 1 This hearing was due to start at 9.45am; but at that time neither party was present. I put it back to 10.10am. When the hearing commenced, the claimant still having failed to attend or be represented I considered if the claim should be dismissed pursuant to Rule 47.
- 2 The respondent had lodged no response and the claim was not resisted.
- 3 I was satisfied that notice of today's hearing had been given to the correct address retained on file for the claimant. The tribunal sent an email to the claimant about the case on 2 March 2020. Furthermore, the tribunal could not contact the claimant by telephone as he had not provided a number; and my clerk checked for telephone calls or outstanding correspondence that would provide an explanation for the claimant's absence and found none.
- 4 I find the claimant was properly served and that he failed to inform the tribunal he would not be attending or in the alternative lodge written representations.

- 5 Having further considered the file I noted the claimant had failed to lodge evidence and supporting documentation concerning his claim, in breach of a case management order made and sent to the parties on 21 October 2019.
- 6 I considered the information before me was insufficient to assess the extent of the claim and make an award in the claimant's favour in relation to the loss of wages claimed. In particular, the claim for wages extended back to 23 May 2016; beyond the 2-year limitation period for an award counting backwards from the date of issue of the claim on 30 September 2019 (section 24 (4A) and (4B) Employment Rights Act 1996).
- 7 I concluded that it was just, fair and proportionate to dismiss the claim under Rule 47.

**Employment Judge Dimbylow**  
03 March 2020