



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondent

Mr A Burnett

v

UK Staffing Group Limited

**Heard at:** Manchester Employment Tribunal    **On:** 26 February 2021

**Before:** Employment Judge Johnson

## Appearances

**For the First Claimant:** did not attend

**For the Respondent:** did not attend

## JUDGMENT

1. The respondent's name shall be varied from 'Buckleigh and Williams' to 'UK Staffing Group Limited'.
2. Upon the complaint informing the Tribunal that he would not attend the preliminary hearing and indicating that he wished to withdraw his claim, all his claims in these proceedings are dismissed.

## REASONS

### Background

1. The case was listed for a preliminary hearing today and was arranged as a 'hybrid' hearing with the claimant attending in person and the respondent attending remotely using the Tribunal's Cloud Video Platform (known as 'CVP').
2. On 25 February 2021 at 13:14, the claimant has sent an email to the Tribunal requesting a postponement of the hearing. Employment Judge Slater considered the matter and a letter was sent to the parties by email at 15:31 explaining that the claimant could make this application to postpone at the hearing today.

3. The claimant sent an email to the Tribunal on 25 February 2021 at 18:49 explaining that he would not be attending the hearing today because of 'long covid' and that he had told the respondent 'to keep the money'.
4. Understandably, the Tribunal administration wished to clarify the position and by email sent to the parties on 26 February 2021 at 08:02, the claimant was asked whether he wished 'to apply for a postponement of the hearing or if you are withdrawing your claim?'
5. The claimant replied shortly afterwards at 08:13 simply stating 'I wish to *redraw* (my emphasis) my claim'.
6. I waited until 10am when the hearing should have commenced and was informed that neither party had attended the Tribunal or attempted to join the hearing by CVP. Accordingly, I considered the claimant's emails and also Rule 47 of the Tribunal's Rules of Procedure which allowed me to dismiss the claim if a party did not attend the hearing.
7. Although the claimant used the word '*redraw*' in his reply to the Tribunal's email asking whether he wished to request a postponement of the hearing or wished to withdraw his claim, his reply should be considered in the context of the earlier emails sent during the previous 24 hours.
8. I was satisfied from the context of the chain of email correspondence immediately preceding the hearing that the claimant was not seeking an application to postpone, and his intention was to withdraw his claim.
9. Accordingly, with no parties attending the hearing today, I determined that it was appropriate to dismiss the claim without any further orders being made, other than to amend the respondent's name in accordance with the proposal made by Employment Judge Leach in the Tribunal's letter dated 9 October 2020 and in the absence of any objections from the parties having been received.

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Employment Judge Johnson

Date: 26 February 2021 .....

Sent to the parties on:

9 March 2021

For the Tribunal Office