



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr I Cherifi  
**Respondent:** Ian Beaumont  
**Heard at:** East London Hearing Centre (by Cloud Video Platform)  
**On:** 28 June 2021  
**Before:** Employment Judge Lewis

**Representation**  
Claimant: Did not attend  
Respondent: No Attendance

## JUDGMENT

- 1. The Claimant's claims are struck out for failure to comply with the Tribunal's Orders made on 18 May 2021; and**
- 2. The claim is dismissed because the Claimant has failed to attend or contact the Tribunal and does not appear to be actively pursuing his claim.**

## REASONS

1. The Claimant brought a claim against Ian Beaumont (Felix Rashai) Holiday Inn Hotel having obtained an Early Conciliation Certificate against Sharpe Group. His complaint was for unpaid wages from October and November 2020 and he described Mr Ian Beaumont as the man he had been working with but provided the address for the Belfast Head Office of the Sharpe Group.
2. By a letter dated 8 January 2021, the Claimant was informed that the claim had been accepted against Ian Beaumont c/o Sharpe Group as he had provided an Early Conciliation Certificate naming Sharpe Group but that his claim against Felix Rashai had been rejected as he had not provided an Early Conciliation Certificate in respect of that proposed Respondent.
3. The claim was re-served on Sharpe Group at the address provided by the Claimant in his claim form as it appeared to Employment Judge Gardiner that the claim was unlikely to have come to the attention of the Respondent with the details provided by the Claimant.

4. The Sharpe Mechanical Services Limited (Sharpe Group) responded to the claim on 21 April 2021 denying that the Claimant had ever been employed by Sharpe Mechanical Services Limited, the Sharpe Group. The response acknowledged that Mr Beaumont was an employee of the Sharpe Mechanical Services Limited, he was employed as a site supervisor. The Sharpe Group's understanding of the situation was that the Claimant was an employee of Felix Croix Limited, a subcontractor, the named Respondent had made the payments to their subcontractor on 25 September 2020 and 23 October 2020 respectively and whether those payments were then used to pay their employees of Felix Croix Limited was unknown to the Respondent.
5. Employment Judge Massarella ordered that the Claimant should be provided with the correct correspondence address for Felix Croix Limited by the Sharpe Group by 25 May 2021. This information was duly provided on 20 May 2021. Judge Massarella also ordered the Claimant should apply to the Tribunal by 1 June 2021 to amend his claim to add/substitute Felix Croix Limited as the Respondent to the proceedings if he accepted they were his employer and to provide further information into respect of his claims of discrimination by the same date.
6. Nothing more has been heard by the Tribunal from the Claimant since the Orders of Employment Judge Massarella.
7. The Claimant was written to by the Tribunal on 9 June 2021 asking him to reply by 23 June 2021 to the letter of 18 May 2021. Again, nothing was heard.
8. The hearing was still listed on 28 June 2021, the hearing took place via BT Meet Me, the Employment Judge made a number of attempts to dial in the Claimant on the mobile phone number provided on his claim form but no response was received.
9. The Employment Tribunal Rules of Procedures, Rule 37 states:
  - (1) At any stage of the proceedings, either on its own initiative or on the application of a party, a Tribunal may strike out all or part of a claim or response on any of the following grounds –
    - (a) that it is scandalous or vexatious or has no reasonable prospect of success;
    - (b) that the manner in which the proceedings have been conducted by or on behalf of the Claimant or the Respondent (as the case may be) has been scandalous, unreasonable or vexatious;
    - (c) for non-compliance with any of these rules or with an Order of the Tribunal;
    - (d) that it has not been actively pursued;
    - (e) that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim or response (or the part struck out).
  - (2) A claim or response may not be struck out unless the party in question has been given a reasonable opportunity to make representations, either in writing or if requested by the party at a hearing.
10. If a party does not attend a hearing, Rule 47 applies:

**Non- attendance**

If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.

11. The hearing was scheduled to begin at 2pm. The Claimant's phone number provided by him on his claim form was used to try to connect him to the hearing. Numerous attempts were made to dial that number, but the Claimant did not respond or pick up.

**Conclusion**

12. Having considered the documents on the Tribunal's file and the lack of response to the Orders of the 18 May 2021 the Tribunal was satisfied that the claim should be struck out because the Claimant had failed to comply with the Tribunal's Orders to provide further particulars of the claim and because he had failed to attend the hearing.
13. In arriving at this decision the Tribunal took into consideration that the Claimant had been given a reasonable opportunity to comply with the Tribunal's Order to provide further information, had been reminded on 9 June and asked for a reply by 23 June 2021 and had failed to make any contact with the Tribunal.
14. The Tribunal also took into consideration that it appears that the Claimant has brought his claim against the incorrect Respondent and that he, by implication, may now accept that to have been the case. The Tribunal also takes into consideration the Claimant has failed to communicate with the Tribunal in respect of his absence at this hearing.
15. The judgment of the Tribunal is that the Claimant's claims are struck out for failure to comply with the Tribunal's Orders made on 18 May 2021 and failure to attend or be represented at the hearing and for not actively pursuing his claim.

**Employment Judge Lewis**

**1 July 2021**