



EMPLOYMENT TRIBUNALS

BETWEEN: Mr B Abel **and** Lambsons Ltd
Claimant Respondent

Heard at: Leeds

On: 21 February 2023

Before: Employment Judge Cox

Representation:

Claimant: Did not attend

Respondent: Miss Das, legal executive

JUDGMENT AT TELEPHONE PRELIMINARY HEARING

The claim is dismissed under Rule 47 of the Tribunal's Rules of Procedure.

REASONS

1. On 16 December 2022 the parties were informed that there would be a 90-minute Preliminary Hearing for case management, to be conducted by telephone at 10am on 21 February 2023.
2. At 10.34 on 20 February 2023 the parties were informed that it had been necessary to re-time the Hearing for 2pm.
3. At some time after 12 noon the following day, and so less than 2 hours before the Preliminary Hearing was due to begin, the Claimant telephoned the Tribunal to say that he had a dental appointment and needed the Preliminary Hearing to be rescheduled. The member of administrative staff who took the call told him he would need to write to the Tribunal if he wanted a

postponement, explaining why he needed it. At 12.24 he emailed the Tribunal saying: "Sorry I cannot make 2pm meeting please reschedule".

4. The Claimant had more than two months' notice of the date of the Hearing and more than 24 hours' notice of the retiming of it. When he made his application for a postponement he gave no reason for why he needed it and provided no evidence in support. If indeed he had a dental appointment, he would have needed to explain why he did not reschedule that, rather than miss the Hearing. This is his claim and attendance at the hearings of it must be given priority.
5. In summary, on the information available to the Tribunal, the Claimant has shown no good reason for his failure to attend. The Tribunal has power to dismiss a claim if a party does not attend the Hearing and in all the circumstances, the Tribunal considers it appropriate to do so.

Employment Judge Cox
Date: 21 February 2023