



EMPLOYMENT TRIBUNALS

Claimant: Mr J R Joseph

Respondent: London General Transport Services Limited

Before: Employment Judge Fowell

At: London South ET (by video) **On:** 14 March 2024

Representation:

Claimant: No appearance

Respondent: Ms Karen Moss of counsel, instructed by Howard Kennedy LLP

JUDGMENT

Rule 47 Employment Tribunal Rules of Procedure

The claims are dismissed in their entirety.

REASONS

1. On 9 July 2023 two claim forms were submitted by or on behalf of the claimant. The only significant difference was that in claim number 2302309/2023 the claimant was unrepresented whereas in claim number 2302310/2023 he was represented by the PTSC union.
2. According to the response forms, the claimant was dismissed when it was discovered that his right to live and work in the UK had expired. The claim forms however allege that this was a cloak for dismissal on other grounds, i.e. for making a protected disclosure or for race discrimination. Those basic facts raise an obvious issue about the viability of the claim, since it must follow on the claimant's case that the respondent should have continued to employ him even though it was unlawful to do so.
3. Neither the claimant or any representative attended the hearing. Calls were made to each of them on the numbers provided on the respective claim forms without response.
4. Counsel for the respondent informed the tribunal that the respondent had been told that the claims had been withdrawn. The tribunal has no record of any

Case Numbers 2303209/2023 and 2303210/2023

withdrawal however. The circumstances of the case however make it entirely plausible that the claims have been withdrawn or abandoned.

5. The hearing was put back until 10.30 to see if the claimant or any representative attempted to join the hearing but neither did so.
6. By rule 47, a claim may be dismissed where a party fails to attend or to be represented at a hearing. Before doing so the tribunal is required to consider any information which is available to it, after any inquiries that may be practicable, about the reasons for the party's absence.
7. In the circumstances it appears that the claim is not pursued and so the claim is dismissed.

Employment Judge Fowell
Date: 14 March 2024