



EMPLOYMENT TRIBUNALS

Claimant

Mr A Chohan

v

Respondent

Oasis Community Learning

Heard at: Watford Employment Tribunal (via cloud video platform)

On: 9 December 2024

Before: Employment Judge French (sitting alone)

Appearances

For the Claimant: no attendance

For the Respondent: Miss A Johns, Counsel

JUDGMENT

1. The claim is dismissed pursuant to rule 47 of the Employment Tribunals Rule of Procedure 2013.

REASONS

1. The Tribunal provide these written reasons on their own initiative. Oral reasons were given at the hearing however the claimant was not present to hear them, and the Tribunal consider it important that the claimant know the reasons why the claim was dismissed.
2. Rule 47 of the Employment Tribunal Rules of Procedure 2013 states as follows:

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.

3. The claimant did not attend the hearing on 9 December 2024. The respondent indicated that they had tried to engage with the claimant but had received no response from him. The claimant had not filed an agenda for the hearing or replied to a letter sent by the respondent asking for further

details about his complaints. The respondent therefore invited the tribunal to dismiss the claim pursuant to rule 47.

4. The tribunal telephoned the claimant to ask why he had not attended, and he indicated that he wished to withdraw his claim and had told his union representative of this. This information was provided to the tribunal's hearing clerk.
5. The claimant did not join the hearing to explain this, neither had he written to the tribunal to confirm this was his position. In absence of direct confirmation from the claimant indicating that he wished to withdraw his claim, I did not dismiss the claim on his withdrawal.
6. Instead in all of the circumstances I have dismissed the claim pursuant to rule 47 above due to the claimant's non-attendance. I was not able to continue in the claimant's absence because the purpose of the hearing was case management which would have included exploration of his complaints and given his indication to the court clerk that he wished to withdraw his claim, it was not in accordance with the overriding objective to do so.

Employment Judge French

Date: 9 December 2024

Sent to the parties on: 4 January 2025

T Cadman
For the Tribunal Office

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here: <https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>