



EMPLOYMENT TRIBUNALS

Claimant: Mr G Micu

Respondent: Kingspan Ltd

Heard: In Leeds by CVP video link

On: 7 November 2023

Before: Employment Judge Shepherd

Appearance:

For the Claimant: No attendance

For the Respondent: Mr Hurd, counsel

JUDGMENT

The claimant's claims against the respondent are dismissed pursuant to Rule 47 upon the claimant's failure to attend or be represented at today's preliminary hearing.

The hearing listed to commence on Monday, 13 November 2023 is vacated.

REASONS

1. The claimant presented complaints of race discrimination and unfair dismissal on 13 February 2023.
2. A preliminary hearing took place before Employment Judge Allen on 25 May 2023. Case Management Orders were made. However, the claimant has not provided a schedule of loss, disclosure of documents or witness statements.
3. There has been little engagement from the claimant and the respondent applied for an order under rule 37 on the grounds that the claim has no reasonable prospect of success, the claimant's non-compliance with orders of the Tribunal and the claimant's unreasonable conduct of the proceedings.
4. The claimant failed to attend this video hearing. The Tribunal clerk telephoned the number provided on the ET1 form presenting the claim but the number was invalid.
5. The final hearing is listed to be heard on Monday, 13 November 2023. This leaves three working days after today. The respondent has prepared for the final hearing

There is no time for me to make a deposit or and unless order. There has been some indication through ACAS that the claimant has returned to Romania.

6. I am satisfied that there has been unreasonable conduct of the proceedings by the claimant and that the claim has not been actively pursued. It is no longer possible to have a fair hearing.

7. In all the circumstances I consider non attendance and a failure to take any steps to pursue the claims to be unsatisfactory. I consider it is fair to dismiss the claims today and bring the proceedings to an end. If I am wrong and the claimant is, contrary to the indications, committed to pursuing them, and has suffered something untoward preventing his attendance today, there is the possibility of an application for reconsideration of this judgment. Any such application must clearly address the comments in these reasons or otherwise say why it is in the interests of justice to revoke this Judgment.

Employment Judge Shepherd
7 November 2023