



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4123049/2018**

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**Held in Dundee on 21 February 2019**

**Employment Judge: Ian McFatridge**

10 **Mr J Hunter**

**Claimant  
Not present and  
Not represented**

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**Michelin Tyre Public Limited**

**Respondent  
Represented by:  
Ms Brown -  
Solicitor**

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**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The Judgement of the Employment Tribunal is that the claim is dismissed in terms of rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 Schedule 1.

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**REASONS**

1. The claimant submitted a claim to the Tribunal in which he claimed that he had been unfairly dismissed by the respondents. His claim was presented to the Tribunal on 21 November 2018 and narrated that he had been dismissed on 16 September 2016. Within the claim form, the claimant referred to a previous claim having been made but not being proceeded with and made a brief passing reference to the fees regime which existed in 2016.
2. The respondents submitted a response making the preliminary point that the claim was considerably out of time. They narrated the history of the previous claim which had been dismissed for non payment of the hearing

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**E.T. Z4 (WR)**

administration fee on 26 April 2017. A Preliminary Hearing was fixed in order to decide whether or not the current claim could proceed.

3. At the date and time fixed for the hearing, the respondent's representative  
5 was present and ready to proceed. The claimant was not present. The Tribunal office telephoned the home telephone number given by the claimant in his ET1 but this rang out unanswered. The Tribunal clerk also telephoned the mobile telephone number provided by the claimant. This went to an answering service and the Tribunal left a message for the claimant to contact  
10 the Tribunal urgently. By 10.20am, some 20 minutes after the time fixed for the hearing to commence, there was still no appearance on the part of the claimant.

4. The Respondent's agent moved that the claim be dismissed. In terms of rule  
15 47, I considered the information available to me. I had no information whatsoever about the reason for the claimant's absence. The letter advising him of the date and place for the hearing had gone out on 28 December 2018. There had been no contact between the claimant and the Tribunal service since then.

20 5. In the circumstances, I decided it was appropriate to dismiss the claim.

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35 **Employment Judge:**  
**Date of Judgment:**  
**Entered in register:**  
**And copied to parties**

**Ian McFatridge**  
**21 February 2019**  
**22 February 2019**