



EMPLOYMENT TRIBUNALS

Claimant: Miss K Taylor

Respondent: Empathy Care Services Limited – in Creditors' Voluntary Liquidation

Heard at: Nottingham **On:** 27 February 2019

Before: Employment Judge Ayre (sitting alone)

Appearances

For the claimant: Did not attend and was not represented

For the respondent: Did not attend and was not represented

JUDGMENT

1. The claimant is not entitled to any remedy in respect of her claims against the respondent.

Reasons

2. By judgment dated 11th January 2019 and sent to the parties on 23rd January 2019, the Tribunal found in favour of the claimant, the respondent having failed to enter a response to the claim.
3. The case was listed for a Remedy Hearing. Notice of the Remedy Hearing was contained within the judgment sent to the parties on 23 January 2019.
4. On 14th February 2019 at 10.14 am a member of the Tribunal staff telephoned the claimant and left a message on her mobile telephone to confirm that the Remedy Hearing listed for 27th February would start at 10am.
5. Neither the claimant nor the respondent, nor any representatives on either of their behalf, attended the Remedy Hearing. Neither party contacted the Tribunal to explain their non-attendance.
6. At 10.10 am on the morning of the Remedy Hearing a member of Tribunal staff telephoned the claimant to ascertain whether she would be attending the hearing. There was no answer from the claimant's mobile telephone.

7. The member of staff telephoned the claimant again at 10.30 and left a message asking her to contact the Tribunal.
8. By 11.10 am no contact had been received from the claimant, and neither party was present.
9. Rule 47 of Schedule 1 to the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 provides that *“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.”*
10. No explanation has been provided by either party for their non-attendance. Attempts were made to contact the claimant but these were unsuccessful.
11. Upon reviewing the Tribunal file, I noted that the claimant did not appear to have made any contact with the Tribunal since presenting her claim on 5 February 2018, and had failed to respond to a letter sent to her by the Tribunal on 4 May 2018.
12. The respondent has made no contact with the Tribunal throughout these proceedings, and is in Creditors’ Voluntary Liquidation.
13. In the circumstances, I decided to proceed with the Remedy Hearing in the absence of both parties.
14. There was no evidence before me upon which I could make any findings as to the remedy to which the claimant may be entitled in respect of her claims.
15. I therefore find that the claimant is not entitled to any remedy in respect of her claims against the respondent.

Employment Judge Ayre

Date: 27 February 2019

JUDGMENT SENT TO THE PARTIES ON

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AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE