



EMPLOYMENT TRIBUNALS

Claimant

Miss E Steponkute

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Respondent

Mel Serps

Heard at: London Central

On: 3 June 2019

Before: Employment Judge Baty

Representation:

For the Claimant:

No attendance or representation

For the Respondent:

Mr R Morton (solicitor)

JUDGMENT

The claimant's claim is dismissed in its entirety pursuant to rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 due to the non-attendance of the claimant at today's hearing.

REASONS

The Complaints

1. By a claim form presented to the employment tribunal on 22 January 2018, the claimant brought complaints of unlawful deduction from wages and sexual orientation discrimination. The details of the claim were clarified at a preliminary hearing on 26 April 2018 before Employment Judge Spencer and are set out in EJ Spencer's note of that hearing. Unusually, the claim had not been served on the respondent by the time of that hearing; it was subsequently served and the respondent put in a response defending the complaints.

2. A full merits hearing was listed for two days on 3-4 June 2019.

Claimant's non-attendance

3. The claimant did not attend today's hearing. No telephone number for the claimant could be found on the tribunal's file or the tribunal's system so that the clerk could telephone the claimant to ascertain her whereabouts. I waited until 10:35 am to see if the claimant would attend the tribunal; she did not so I commenced the hearing in her absence.

4. Mr Morton explained that the respondent had heard very little from the claimant since a previous preliminary hearing of 18 October 2018, notwithstanding that the tribunal had subsequently made certain orders for the preparation of the case. The one piece of correspondence which the tribunal had received from the claimant recently was an email to the tribunal (not copied to the respondent) of 1 May 2019. In that email, the claimant cross referred to the tribunal's orders and alleged that the respondent had not complied with the order for exchanging documentation. The email went on "I therefore do not see how will this case progress further". The tribunal forwarded the email to the respondent and requested the claimant to ensure that any future correspondence from her to the tribunal should be copied to the respondent as well. Nothing further was heard. It is not clear whether the claimant was simply complaining about the respondent or whether she was suggesting that, because of the respondent's alleged behaviour, she did not think that the case could progress further and whether that was an indication of her willingness or otherwise to progress matters further.

5. However, the above is the only relevant information which I had before me when deciding what decision to make. In the absence of any reason why the claimant had not attended, I was not prepared to postpone the hearing. I therefore considered, in accordance with rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations Rules 2013, whether to proceed to hear the matter with only one party present or to dismiss the claim on the basis the claimant had not attended. I asked Mr Morton his opinion and he said that he would prefer the latter.

6. I therefore decided to dismiss the claim in its entirety.

Employment Judge Baty

Dated: 3 June 2019

Judgment and Reasons sent to the parties on:

5 June 2019

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For the Tribunal Office