

**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4123816/2018**

**Held in Glasgow on 25 April 2019**

5 **Employment Judge: Michelle Sutherland (sitting alone)**

**Andrew McCloy**

**Claimant**  
**No appearance**

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**East Renfrewshire Council**

**Respondent**  
**Represented by**  
**Ms Apryl Chalmers,**  
**Solicitor**

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**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The Judgment of the Tribunal is that the claim for unfair dismissal is dismissed under Rule 47 for failure to attend.

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**REASONS**

**Introduction**

1. The Claimant presented a complaint of unfair dismissal.
2. A Final Hearing was listed for 25, 26, 29 and 30 April 2019. The Claimant failed to attend or to seek a postponement. The Claimant's representative had not had any contact or instructions from the Claimant since Friday 19 April despite numerous attempts to contact the Claimant by email and telephone in the period between 22 and 25 April inclusive. In the circumstances his representative considered that he had no reasonable alternative but to

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withdraw from acting. On the morning of the Hearing, the Tribunal Clerk also made unsuccessful attempts to contact the Claimant to determine his intentions. The Claimant has given no prior indication to his representative or to the Tribunal that he was not intending to attend the Hearing.

5 3. In light of these developments, the Respondent applied for dismissal of the claim in terms of Rule 37 or 47 of the Employment Tribunals Rules of Procedure 2013.

10 4. The Claimant failed to attend or be represented at the Hearing. Having considered all the information available, and having made enquiries about the reasons for the Claimant's absence, it appears that the Claimant is no longer pursuing his claim and that it falls to be dismissed under Rule 47 of the Employment Tribunals Rules of Procedure 2013.

15 5. If there is good cause for the failure of the Claimant to appear or be represented at this Hearing and the failure to seek a postponement, he can seek reconsideration of this Dismissal Judgment under Rule 70, within 14 days of the date of this Judgment being issued to both parties.

20 6. The Respondent sought to preserve their position regarding a costs order which may be made within 28 days after the Judgment is issued under Rule 77.

**Employment Judge**

**M Sutherland**

25 **Date of Judgment**

**25 April 2019**

**Entered in register  
and copied to parties**

**26 April**

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