



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4103103/2019

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Held in Glasgow on 5 June 2019

Employment Judge Robert Gall

10 **Mr J Kennedy**

**Claimant
Not present and
Not represented**

15 **P&D Scotland Limited**

**Respondent
Represented by:
Ms P Barry -
HR Manager**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Tribunal is that the claim is dismissed in terms of Rule 47 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013.

REASONS

1. This case called for hearing at Glasgow on 5 June 2019. At time of the hearing
25 Ms Barry and Ms McLennan were present for the respondents. The claimant was not present. He was not represented when the claim was presented.

2. The respondents stated that they had not heard from the claimant in response to contact with him the previous day looking for any documents which might be included within the joint bundle. They had, in addition, contacted the
30 claimant by telephone on the morning of 5 June. They had been informed by the claimant that his case had been withdrawn. It was said that his daughter had confirmed this with the Tribunal by email during the course of the preceding week. A search of the Tribunal email system did not however reveal any email sent by the claimant's daughter withdrawing the claim.

E.T. Z4 (WR)

3. Prior to convening the hearing, and given the absence of the claimant, the Clerk to the Tribunal telephoned the number which was on the claim form. Whilst he was able to speak to someone, it was unclear whether that person was the claimant himself. The person who spoke said that his understanding was that the claim had been settled through ACAS.
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4. I convene the hearing at 2:15 PM. There was still no presence on the part of the claimant nor any contact with the Tribunal office from him to explain his non-attendance. I explained to Ms Barry the efforts which had been made by the Clerk to ascertain the position with the claimant. Ms Barry informed me of the contact with the claimant on the preceding day and indeed on the morning of the hearing, the details being as set out above.
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5. I took account of the background explained by the respondents as to the contact they had had with the claimant. I also had regard to the contact by the Clerk with the only telephone number provided by the claimant and the content of that telephone call with the Clerk. I was mindful of the fact that the claimant had not appeared for the hearing and had not contacted the Tribunal in relation to it. The hearing notice had been sent to the address given by the claimant for correspondence. It seemed to me the circumstances were such that I should consider dismissal of the case in terms of Rule 47.
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6. I considered the information before me, being that stated above. In my view practicable enquiries had been made as to the absence of the claimant. Such information as had resulted from that and as had been supplied by the respondents as to contact with the claimant, and lack of response from him to that, supported the view that the claim had been withdrawn. Even if that were not so, it seemed to me that the circumstances were such that it was appropriate to dismiss the claim in terms of Rule 47. This Judgment confirms that dismissal.
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Employment Judge

Robert Gall

Date of Judgment

05 June 2019

Date sent to parties

20 June 2019