



EMPLOYMENT TRIBUNALS

Claimant: Mr K D Galbraith

Respondent: Capita plc

HELD AT: Liverpool **ON:** 5 September 2019

BEFORE: Employment Judge Horne

REPRESENTATION:

Claimant: Did not attend and was not represented
Respondent: Mrs S Wetherell, Human Resources
(Respondent's participation restricted under rule 21 of the Employment Tribunal Rules of Procedure 2013)

JUDGMENT

The claim is dismissed.

REASONS

1. By notice dated 15 July 2019 the parties were informed that the final hearing would take place on 5 September 2019 at 10.00am.
2. The claimant did not attend today's hearing.

3. At approximately 10.10am, the tribunal clerk made a telephone call to the mobile telephone number provided by the claimant on his claim form. The call was diverted to voicemail.
4. By 10.22am the claimant was still absent. The hearing commenced. Ms Wetherell represented the respondent. I clarified with Ms Wetherell that the respondent was not entitled to defend the claim, but that it would be helpful if she had any information that would shed light on whether the claimant had a good reason for his non-attendance. Ms Wetherell told me about a conversation she had had about a week ago with a representative of the claimant's trade union. It is unnecessary to repeat Ms Wetherell's version of the conversation in this judgment, as I did not take it into consideration when reaching my decision. It is sufficient to state that nothing in her account of the conversation would suggest that the claimant had been prevented from attending.
5. Rule 47 of the Employment Tribunal Rules of Procedure 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, the tribunal must consider any information which is available to it after any enquiries that may be practicable about the reasons for the party's absence.
6. I was satisfied that the tribunal had done all it could to enquire into the claimant's reasons for his absence. There is no evidence of any good reason. It would not suit the overriding objective to determine the claim on its merits in the claimant's absence: his claim is fact-sensitive and would require consideration of the evidence, including the claimant's own version of events. I decided that the overriding objective required that the claim be dismissed. If, in fact, the claimant had a good reason for his non-attendance, he may apply to have the judgment reconsidered.

Employment Judge Horne

5 September 2019

SENT TO THE PARTIES ON

20 September 2019

FOR THE TRIBUNAL OFFICE