



EMPLOYMENT TRIBUNALS

Claimant: Ms B Tomaszewska

Respondent: Molly Evans

Heard at: Reading **On: 30 September 2019**

Before: Employment Judge Gumbiti-Zimuto

Appearances

For the Claimant: Not attending and not represented

For the Respondent: Mr S Morley (Consultant)

JUDGMENT

The claim is dismissed.

REASONS

1. The claimant commenced proceedings against the respondent in a claim form presented on the 16 August 2018. The claimant claim was based on race discrimination. A response to the claim, denying the claimant's complaint, was received by the employment tribunal on the 4 October 2018.
2. The claim was listed for a preliminary hearing, initially on the 15 March 2019, however, due to no judge being available to hear the case on that date the case was postponed to 30 September 2019.
3. On 14 November 2018 the employment tribunal wrote to the claimant asking whether she wished to make a claim against her employer, the named respondent was a fellow employee. There was no response to the employment tribunal's letter.
4. On Friday 27 September 2019, employment tribunal staff telephoned the claimant and left a voicemail message reminding the claimant that a preliminary hearing was listed to take place on the following Monday, 30 September 2019.
5. The claimant did not attend the hearing at the time listed, or the place where the hearing was to take place.

6. The respondent was represented by Mr S Morley. I was informed by Mr Morley that the respondent has not had any communication with the claimant. The respondent made an attempt, about 2 to 3 weeks prior to the 30 September 2019, to contact the claimant but there was no answer on the claimant's telephone number and there was no facility to leave a voicemail message. I was asked to strike out the claim on the basis that the claim is not being actively pursued by the claimant.
7. Rule 47 of the Employment Tribunals 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, 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." I also note that rule 37(1)(d) provides that the Tribunal may strike out a claim on the grounds that it is not being actively pursued.
8. The claimant has not explained her failure to attend the hearing or made an application to adjourn. Further I am satisfied on the information before me that the claimant is not actively pursuing the claim. In the circumstances I therefore dismiss the claim.

Employment Judge Gumbiti-Zimuto

Date: 30 September 2019

Sent to the parties on: ...22.10.19.....

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For the Tribunals Office

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