



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4123765/2018**

5

**Held in Glasgow on 12 August 2019**

**Employment Judge R King**

10 **Mr D McNamee**

**Claimant  
Not present and  
Not represented**

15 **Metallica Steel Fabrications**

**Respondent  
No response  
submitted**

**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

20 The Judgment of the Employment Tribunal is that the claim is dismissed.

**REASONS**

1. The case called for a final hearing on 12 August 2019. Although the Tribunal had sent the claimant a notice of hearing he did not attend and he was not represented. The respondent did not attend either and nor was it represented, although it had not been expected to attend because no ET3  
25 response had been lodged.
2. In the circumstances, the clerk contacted the claimant by telephone. The claimant explained that he was not in attendance because he was in Dunoon for the day and had overlooked the hearing date because he had *'got his dates mixed up'*. However, he also confirmed to the clerk that he no longer  
30 intended to pursue the claim in any event.
3. The claimant had previously failed to attend an earlier final hearing that had been fixed for 5 April 2019 and had subsequently been warned by letter of 5

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April 2019 that if he did not attend any relisted hearing without proper excuse, then it was likely that his claim would be dismissed.

4. The Tribunal found that the claimant had failed to attend today's final hearing in circumstances where he had not provided a proper excuse for his non-attendance and that his claim should therefore be dismissed in terms of Rule 47 of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013.

10 **Employment Judge: R King**  
**Date of Judgment: 14 August 2019**  
**Date sent to parties: 15 August 2019**