



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4102792/2019

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Held in Glasgow on 16 July 2019

Employment Judge: I Atack

10 **Ms I Malcolm**

**Claimant
Not present and
Not represented**

15 **Liquor Barn (Bridgeton) Ltd**

**Respondent
Not present and
not represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the employment tribunal is that the claimant's claims are all dismissed.

REASONS

1. In this case the claimant has brought claims of unfair dismissal, breach of contract, for arrears of pay, for payment of accrued but untaken holidays and
25 for a redundancy payment. The respondent did not present a response and accordingly was debarred from taking further part in these proceedings.
2. A hearing had been arranged for 16 July 2019 as due to the sparsity of information contained in the claimant's ET1 a default judgment could not be
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E.T. Z4 (WR)

4. When the case called on 16 July the claimant was not present. I instructed the clerk to contact the claimant to ascertain the reason for her non-attendance. The claimant informed the clerk that she had not received the notice of the hearing.
- 5 5. In terms of rule 90 of the first schedule to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (the “Rules”), where a document has been sent to a party it shall, unless the contrary is proved, be taken to have been received by the addressee if sent by post, on the day on which it would have been delivered in the ordinary course of post.
- 10 6. Rule 47 provides that if a party fails to attend or 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 is required to consider any information which is available to it, after any inquiries that maybe practicable, about the reasons for the party’s absence.
- 15 7. It was not possible to proceed with the hearing in this case as there was not sufficient information contained within the ET1 to enable the tribunal to do so. I considered that the notice of the hearing had been sent to the claimant by post at the address which she had given in her ET1. In accordance with rule 90 she was deemed to received that notice unless the contrary was proved.
- 20 In the absence of any further information I was not prepared to accept the claimant’s denial that she had received the notice informing her of the date place and time of the hearing. In the circumstances in view of the claimant’s non-attendance and the fact that she was deemed to have received notice of the hearing I decided to dismiss all of her claims.

8. The claimant is entitled to present in writing an application for a reconsideration within 14 days of the date on which this judgment is sent to the parties. If making such an application the claimant is required to set out why that reconsideration is necessary.

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Employment Judge: I Atack
Date of Judgment: 21 August 2019
Date sent to parties: 27 August 2019

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