



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs J Maxwell

**Respondent:** E &A Homes Ltd t/a St Jude Care Home

**Heard at:** Cardiff **On:** 7 February 2020

**Before:** Employment Judge Harfield (sitting alone)

**Representation:**

Claimant: Did not attend  
Respondent: Mr Muirhead

## JUDGMENT

1. This claim was presented on 30 September 2019 against (1) E&A Homes Ltd trading as St Jude Residential Home, (2) Carol James and (3) Alison Bishop. The claim was said to be for unfair dismissal, whistleblowing and payments owed. On 5 October 2019 the claimant was sent a letter informing her that the claim against E&A Homes Ltd Trading as St Jude Residential Home had been accepted but the claims against Carol James and Alison Bishop had been rejected due to lack of an early conciliation certificate number for those named individuals. The claimant did not challenge the rejection of the claim against the two purported individual respondents and therefore the purported proceedings against Ms James and Ms Bishop are not in fact extant.
2. On 5 October 2019 the parties were notified of a telephone case management preliminary hearing listed for 20 December 2019 at 10am. The claimant did not attend the hearing on 20 December 2019. Employment Judge Moore directed that the claimant was to provide a written explanation for her failure to attend within 7 days of the date of the order. The order was sent to the parties on 31 December 2019. Employment Judge Moore also directed the claimant to provide further information about her whistleblowing claim by 17 January 2020.

Employment Judge Moore further directed that the telephone case management hearing be relisted for a date after 1 February 2020.

3. On 5 January 2020 the parties were sent details of this relisted telephone case management preliminary hearing at 2pm on 7 February 2020.
4. The tribunal file contains no record of the claimant contacting the tribunal to explain why she did not attend the previous telephone case management preliminary hearing. The tribunal file contains no record of the claimant complying with Employment Judge Moore's order to provide further information about her whistleblowing claim. The claimant did not attend the telephone case management preliminary hearing on 7 February 2020 which is the second time she has now failed to attend. Mr Muirhead for the respondent told me that the respondent had likewise had no contact from the claimant and that the claimant had also failed to send them the further information that Employment Judge Moore had directed the claimant to provide.
5. Rule 47 of the Employment Tribunal Rules states:  
  
"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."  
  
6. Having heard short submissions from Mr Muirhead I decided under Rule 47 to dismiss the claimant's claim as she has failed to attend for the second time, has failed to make any contact with the tribunal or the respondent and has failed to comply with the case management orders made by Employment Judge Moore.
7. The claimant's claim against the remaining respondent is therefore dismissed under Rule 47.

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Employment Judge Harfield  
Dated: 11 February 2020

JUDGMENT SENT TO THE PARTIES ON 12 February 2020

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS