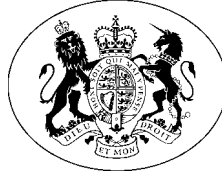


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EMPLOYMENT TRIBUNALS

Claimant

Respondents

Miss E Olukanni

AND

Boots Management Services Ltd

Heard at: London Central

On:

4 March 2020

Before: Employment Judge Russell

Representation

For the Claimant: Did not attend or represented

For the Respondent: Mr A Graham, Solicitor

JUDGMENT

The Judgment of the Tribunal is as follows:

1. The correct name of the Respondent is Boots Management Services Ltd
2. The Claimant's breach of contact claim is dismissed

REASONS

1. The Claimant was employed by the Respondent from 8 July 2019 to 17 November 2019. The correct employer is Boots Management Services Ltd and not simply 'Boots' as particularised by the Claimant.
2. The Claimant was dismissed on 13 November 2019 during her probationary period after numerous complaints against her and concerns as to her performance. She was paid one week's notice in accordance with her contract of employment.
3. The Claimant was given (and paid in lieu for one week of) notice of dismissal as a result of a probation review. This took place in her absence as, despite rescheduling the meeting once, the Claimant felt too unwell to attend. However, she was given a full opportunity to make written representations for the review hearing.

4. The Claimant appealed, but then failed to cooperate with the appeal process. Her appeal was dismissed.
5. The Claimant's claim is not one of unfair dismissal but of wrongful dismissal but she was paid her contractual notice pay in full.
6. The Claimant's conduct in the furtherance of her claim is this Tribunal has been unreasonable. She failed to make an appearance today and without substantive reason. Her request to postpone today's hearing of 6 February was rejected by Employment Judge Glennie and yet the Claimant still failed to appear today. Her principal stated reason (she had no representative) is again rejected as unacceptable.
7. As a result of her failure to inform the Respondents of her non appearance their solicitor had to finalise a hearing bundle, send this to her in soft and hard copy and travel down from Leeds to the London Central Employment Tribunal today to present the Respondent's case.
8. The Claimant, in emailing the Employment Tribunal yesterday evening to say she would not be making an appearance this morning, failed to copy in, or otherwise inform the Respondent's solicitors despite (they had by then sent her a soft copy of the hearing bundle by email) having their email address and knowing of their intention to travel to London this morning in the expectation of the Claimant also being present at the hearing.
9. I find that the Claimant has acted unreasonably in her conduct of the case and, by failing to appear this morning, failing to withdraw her case (if she was not going to pursue it) and failing to communicate with the Respondents solicitor, she has been discourteous to both the Respondents and the Employment Tribunal.
10. I find and my judgment is that the Respondents dismissed the Claimant on the grounds of her performance during her probationary period and that they did so in accordance with her contract and so her breach of contract claim fails and is dismissed.

Employment Judge Russell

Dated:5th March 2020

Judgment and Reasons sent to the parties on:

09/03/2020

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For the Tribunal Office