



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4104019/2018**

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**Held in Glasgow on 14 February 2019**

**Employment Judge: Iain Attack**

10 **Mr J Fleming**

**Claimant  
Not present and  
Not represented**

15 **KRM Scaffold Services 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 of breach of contract and for payment in respect of annual leave under regulation 16 of the Working Time Regulations 1998 are dismissed.

**REASONS**

25 1. In his ET1 presented on 13 April 2018, the claimant brought claims of unfair dismissal, breach of contract in respect of non payment of notice pay and for non payment of annual leave. The claim in respect of unfair dismissal was dismissed on 18 October 2018.

30 2. The remaining claims were listed for a Final Hearing. The Notice of Final Hearing was sent to each of the parties on 11 December 2018. That Notice stipulated that the case would be heard on Thursday 14 February 2019 at 10am. The file discloses the Notice was sent to both parties.

3. When the case called at 10am on Thursday 14 February 2019, neither party was present nor represented. No explanation had been given to the Tribunal why neither of them had attended.

5 4. The clerk endeavoured to telephone each party. There was no reply from the claimant's telephone number. The respondents were able to be contacted and Mr Kevin McIlroy explained to the clerk that he believed the Tribunal hearing was to take place on 15 February 2019. Due to other work commitments, he was unable to attend the hearing fixed for today.

10 5. In terms of rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, 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, they should consider any  
15 information which is available to it, after any enquiries that may be practicable about the reasons for the parties' absence.

6. In the circumstances that the claimant did not appear and could not be contacted to explain his absence, I decided to dismiss the claim in terms of  
20 rule 47.

7. It was the claimant's case and I concluded that as he had not attended and given no explanation for that non attendance, he did not wish to pursue his claim. Accordingly, the claim is dismissed.  
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Employment Judge:

Iain Attack

Date of Judgement:

18 February 2019

Entered in Register,

30 Copied to Parties:

19 February 2019

