



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case Number: 4122849/2018

Hearing held in Glasgow on 29th July 2019

Employment Judge M Whitcombe

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Mr I Ghezali

Claimant
Did not attend

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Cup Glasgow Limited

Respondent
Represented by:
Mr P Reynolds
(Managing Director)

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JUDGMENT

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The claim for unfair dismissal is dismissed under rule 47 of the ET Rules of Procedure 2013 given the claimant's unexplained failure to attend the hearing.

REASONS

1. The claimant did not attend the hearing today. At 10.00, in accordance with standard practice in this Tribunal, the clerk attempted to make contact with the claimant using the details held on file in order to establish where he was and the reasons for his failure to attend. She was unable to reach him using those contact details and reported that the mobile number diverted direct to voicemail and that the landline number was not answered. She left a voicemail message.
2. By 10.35 as far as I was aware the claimant had still not arrived in the Tribunal building, returned the clerk's call, or otherwise sent any message at all to explain his failure to appear. I checked the Tribunal file for anything which might cast light on the claimant's failure to attend or the reasons for it. There was no outstanding application for a postponement and nothing else on file which might explain the claimant's absence.
3. I therefore decided that the claim should be dismissed.
4. Having reached the decision to dismiss the claim, I announced my decision with oral reasons.
5. There was a further development during the afternoon, prior to completing these brief written reasons. Just after 15.00 an email was drawn to my attention which had been received in the ET inbox at 23:49 on 28 July 2019, the night before the hearing. It had not been added to the correspondence file prior to the start of the hearing and I had not previously been aware of it. The email had not been copied to the respondent as required by rule 92, which has been a recurring feature of the claimant's previous correspondence with the Tribunal. I suspect that the respondent was also unaware of it. Certainly the respondent did not refer to it during the short hearing.
6. The claimant did not make any particular application in the email of 28 July

2019 but indicated that his son had broken a leg while on holiday in Algeria. He did not clearly ask for the hearing to be postponed but admitted that he had forgotten about it. I infer that he had booked a ticket and made travel plans which were inconsistent with attending the hearing.

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7. My decision to dismiss the claim had been reached on the basis of the material available to me at the time of that decision, which did not include the email of 28 July 2019. If the claimant thinks that anything in his email of 28 July 2019 would have been a reason for me not to dismiss his claim, then he is free to apply for a reconsideration of my judgment.

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Employment Judge:

M Whitcombe

Date of Judgement:

29 July 2019

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Entered in Register,

Copied to Parties:

31 July 2019