



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4113132/2019

Held in Glasgow on 14 February 2020

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Employment Judge S MacLean

Mr A Hockworth

**Claimant
No appearance and
Not represented**

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Hugh Mulgrew

**Respondent
No appearance and
Not represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Tribunal is that under rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the claim is dismissed.

REASONS

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1. The claimant's representative sent a claim of non-payment of wages to the Tribunal on 18 November 2019. The claim relates to employment terminated on 28 March 2019.

2. Acas was notified on 9 July 2019 and an early conciliation certificate was issued on 9 August 2019.

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3. In a letter dated 21 November 2019 the Tribunal advised the claimant's representative that the claim had been accepted and a final hearing would take place on 14 February 2020 at 2pm. This information was contained in the heading and the body of the letter which also provided information about the

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hearing, productions and witnesses. One hour was allocated for the hearing. The letter also confirmed that the claim was sent late and therefore the Tribunal would need to decide at the outset of the hearing whether it could consider the application.

- 5 4. No response was received from the respondent. However, in view of the preliminary issue Employment Judge Robison directed that the claim would proceed to the hearing listed on 14 February 2019. The claimant's representative was advised of this by letter dated 23 December 2019.
- 10 5. There was no appearance by the claimant or his representative at the hearing on 14 February 2020. The clerk contacted the claimant's representative. She confirmed that she had received the correspondence. The claimant's representative assumed that having presented the application a judgment would be issued automatically. She was in County Durham. The claimant was at work in Paisley. She could try and contact him.
- 15 6. In the circumstances I was satisfied that the claimant's representative received the correspondence from the Tribunal. It clearly stated that a hearing would take place today at which evidence would be heard; relevant documents considered; preliminary issues would be determined and if appropriate the claim decided.
- 20 7. On the face of the documents before me the claim was presented out of time. There was no explanation for this. No documents had been produced. Even if the claimant's representative was able to contact the claimant he was at work and needed to attend the Tribunal's office to give evidence.

8. I decided to dismiss the claim under rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

Employment Judge:

S MacLean

5 Date of Judgement:

14 February 2020

Entered in Register,

Copied to Parties:

17 February 2020