



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss A Jahja

v

Discovery Payments Limited

Heard at: Watford

On: 17 June 2020

Before: Employment Judge Hyams, sitting alone

Appearances:

For the claimant:

Not present or represented

For the respondent:

Not present or represented

JUDGMENT

The claimant's claim for unpaid wages is dismissed.

REASONS

- 1 A 3-hour open full merits hearing to determine the claimant's of unpaid wages was due to be heard on 17 June 2020, but the hearing was in the circumstances described below converted to a one-hour preliminary, private hearing by telephone. That occurred because of the national response to the Covid-19 pandemic and the practical and legal difficulties arising from holding a hearing in public.

- 2 The purpose of the hearing was therefore primarily to deal with the question of the postponement of the full merits hearing. The latter hearing was listed by a letter dated 25 January 2020. On 10 June 2020, an urgent notice of the revised hearing (to be held by telephone) was sent by email to both parties. The email required both parties to state to the tribunal by no later than 10am two working days before 17 June 2020 either their own telephone number or their representative's number.
- 3 Neither party did that. In those circumstances, rule 47 of the Employment Tribunals Rules of Procedure 2013 applied. That provides:

“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.”
- 4 The claimant had not stated in the ET1 a telephone number for contacting her about the claim, and the email address to which the revised notice of hearing had been sent was the one given by the claimant in the claim form. Accordingly, the notice of hearing had been sent to the right email address and neither I nor the tribunal's staff could contact the claimant by telephone to see whether she had received the revised notice of hearing, let alone to start the hearing with her present.
- 5 In fact, neither party had contacted the tribunal since 25 January 2020.
- 6 On 17 June 2020, before the allotted time for the hearing (12 noon), I asked one of the staff at the Watford office to search for email communications from either party (but in particular the claimant) about the case during the last week. There were, I was told, none.
- 7 Both parties had known about the hearing of 17 June 2020 for well over 4 months. The claimant had done nothing to press her claim since presenting the ET1 claim form.
- 8 In those circumstances I concluded that it was right to dismiss the claimant's claims. If the claimant had good reason for not attending the hearing of 17 June 2020 and was after all intent on pressing her claims, then she could within 14 days of the date when this judgment was sent to her apply under rule 71 of the Employment Tribunals Rules of Procedure 2013 for a reconsideration of the dismissal of her claims. The basis for doing so would have to be that it would be necessary in the interests of justice for me to reconsider that dismissal. She would when making that application need to explain why she had not previously

pressed her claim and why she had not attended the telephone hearing of 17 June 2020.

- 9 For all the above reasons, the claimant's claims are dismissed.

Employment Judge Hyams

Date: 19 June 2020

JUDGMENT SENT TO THE PARTIES ON

13 August 2020

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FOR THE TRIBUNAL OFFICE