



EMPLOYMENT TRIBUNALS

Claimant: Miss M Batili

Respondent: NRM Metal Recycling Limited (in creditors voluntary liquidation)

Heard at: East London Hearing Centre (by Cloud Video Platform)

On: 25 November 2019

Before: Employment Judge Moor
Members: Ms A Berry
Mrs M Legg

Representation
Claimant: No attendance
Respondent: No attendance

JUDGMENT

The claims are dismissed.

REASONS

1. Rule 47 of the Employment Tribunal Rules 2013 provides that *'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.'*
2. The Claimant was provided notice of the date of this hearing many months ago. She was reminded about it at the telephone Preliminary Hearing before Employment Judge Gardiner on 16 October 2020. At that hearing Employment Judge Gardiner made it clear to her that the hearing would be by Cloud Video Platform and he ensured she had the appropriate technology. A summary of that hearing was sent to the Claimant. We have also ensured that the notice of hearing sent to the Claimant included the correct PIN number for entry to the Cloud Video Platform hearing room.

3. The Claimant did not attend the hearing this morning. We waited for 45 minutes before making our decision during which time our clerk attempted to telephone the Claimant to find out the reason for her non-attendance but could not reach the Claimant. She also sent an email to the Claimant but, by 10.45 had not received a reply.
4. The Respondent had already informed the Tribunal that it would not attend the hearing.
5. Having considered all of the available material, we were satisfied that the Claimant had had proper notice of today's hearing; that she knew it was to be by video and had received the necessary information about that. She has not provided the Tribunal with any reason for her non-attendance. Nor does it appear that the Claimant has taken the steps Employment Judge Gardner required of her to prepare for the hearing have been completed (witness statement; updated schedule of loss).
6. The Tribunal has not heard any evidence and could not decide the claims without it.
7. We therefore dismiss the claims under Rule 47 of the Tribunal Rules because of the Claimant's non-attendance.

Employment Judge **Moor**
Date: 25 November 2020