



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4104997/2020

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Held in Glasgow on 29 January 2021

Employment Judge: Rory McPherson

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Mr Graham Murray

**Claimant
No appearance and
No representation**

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Hiflow

**Respondent
No appearance and
No representation**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The Judgment of the Employment Tribunal is that the claim is dismissed in terms of rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 Schedule 1.

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REASONS

Introduction

Preliminary Procedure

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1. The claimant presented a claim for arrears of pay including unpaid holiday pay to the Tribunal on Tuesday **22 September 2020**.
2. No ET3 was presented.

E.T. Z4 (WR)

3. Today's telephone Preliminary Hearing was notified to the claimant and respondent by the Tribunal by correspondence dated **Thursday 7 January 2021**, "*to clarify the basis of Holiday claims*". That correspondence confirmed both today's date and the time of the hearing and confirmed the claimant must provided a telephone number on which the Tribunal can contact him for any hearing at least 2 working days before the hearing. The Tribunal records indicate that there had been no response.
4. The claimant did not attend via telephone. It being identified that the claimant was not present the Tribunal clerk telephoned the mobile telephone number provided by the claimant in his ET1 without obtaining a response.

Relevant Law

5. Rule 47 of the 2013 ET Rules provide that if a party fails to take part or be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing, in the absence of that party but, before doing so, shall consider any information which is available to it, after any enquiries that may be practicable about the reasons for the party's absence.

Discussion and Decision

6. In terms of Rule 47, I considered the information available to me. I had no information whatsoever about the reason for the claimant's absence. There was no information to suggest that any disputed payment remained outstanding. The letter advising the claimant of the date and place for the hearing had gone out on **Thursday 7 January 2021** to the address the claimant had provided in his ET1. There had been no contact between the claimant and the Tribunal since then. In the circumstances the Tribunal concluded that the claimant did not insist upon his claim.
7. I reminded myself that a claimant has a right to seek a reconsideration, in the interests of justice, under Rules 70 and 71 of the 2013 ET Rules, within 14 days of the issue of this Judgment to parties. However, there has been no communication to the Tribunal prior to this hearing and such a reconsideration

would be subject to a proper explanation being provided to the Tribunal for the claimant's non-attendance.

Conclusion

- 5 8. In the circumstances the claimant's claims including for holiday pay and any other arrears of pay are dismissed.

10 Employment Judge: Rory McPherson
Date of Judgment: 29th January 2021
Entered in Register: 11th February 2021
Copied to Parties