



EMPLOYMENT TRIBUNALS

Claimant: Miss N Waterworth

Respondent: Widecare

Heard at: Liverpool **On:** 5 March 2021

Before: Employment Judge Horne

Representatives

For the claimant: Did not appear and was not represented

For the respondent: Ms C Price

JUDGMENT

The claim is dismissed.

REASONS

1. The hearing code “V” in the heading to this judgment indicates that the hearing took place on a remote video platform. Neither party objected to the format of the hearing.
2. Rule 47 of the Employment Tribunal Rules of Procedure 2013 provides that the tribunal may dismiss a claim if a party fails to attend or be represented at a hearing. Before dismissing a claim under this rule, the tribunal must consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party’s absence.
3. The claim form appeared to raise a complaint of unlawful deduction from wages. It was accompanied by a letter which also indicated that the claimant had resigned without notice and alleged that she had been “pushed out of the company”. She did not tick the box to claim notice pay or complain that she had been deprived of the chance to work her notice.
4. By letter dated 15 December 2020, the parties were notified that there would be a hearing today at 10am. The parties were subsequently informed that the hearing was re-timed to 2.15pm.

5. By e-mail on 2 March 2021, the claimant indicated that she had received the money that the respondent had owed her. Her e-mail stated, however, that she wished to pursue another aspect of her claim. Yesterday, she was informed by e-mailed letter and by voicemail that the tribunal would not have the legal power to consider that part of the claim. The letter also reminded the claimant that there would be a hearing "tomorrow". The claimant acknowledged this information by e-mail, but asked for guidance about how she could pursue a claim based on "constructive dismissal".
6. At 2.20pm today, 5 minutes after the scheduled start time for the hearing, the tribunal clerk telephoned the claimant on the mobile phone number she had given in her claim form. The call was diverted to a recorded message stating that the claimant would not be able to take calls as she was at work.
7. I was satisfied that the claimant was aware of today's hearing. Other than the fact that she appears to be at work, she has not given any reason for her non-attendance.
8. The claimant appears to have been paid all the amounts that (according to her claim) were unlawfully deducted from her wages. She did not attend the hearing to pursue her possible complaint of constructive dismissal.
9. It would not be proportionate to adjourn the hearing to give the claimant a further chance to attend. Even assuming that an allegation of constructive dismissal was part of her original claim, the most she could realistically hope to recover would be an award of contractual damages (compensation) equivalent to her notice pay.
10. The claim is therefore dismissed.

Employment Judge Horne

Date: 5 March 2021

SENT TO THE PARTIES ON

Date: 15 March 2021

FOR THE TRIBUNAL OFFICE