



EMPLOYMENT TRIBUNALS

Claimant: Mrs F Miu

Respondent: Ideal Employment

Heard at: Birmingham Employment Tribunal by cvp

On: 10 May 2021

Before: Employment Judge Cookson (sitting alone)

Appearances

For the claimant: Did not attend

For the respondent: Did not attend

JUDGMENT

The judgment of the Tribunal is that the claimant's claim is dismissed pursuant to rule 47 of the 2013 Rules of Procedure.

REASONS

1. The Tribunal today was listed to hear the final hearing of the claimant's complaint about a failure to pay her all outstanding holiday pay on the termination of her employment. Notice of the hearing today was sent to the parties on 3 November 2020, when the claim was accepted along with a note of orders for the claimant to comply with. This included an order that the claimant send a schedule of loss to the tribunal by 1 December 2020 which was not complied with.
2. Further, a letter from the Tribunal, confirming that the hearing would proceed by CVP, and providing joining instruction and reminding the claimant that she needed to comply with tribunal directions in relation providing a bundle, was sent to the parties on 4 May 2021 by email.
3. Correspondence was received from the respondent stating it had not received details of the claim and the hearing and seeking an extension for time to file a response but without complying with the requirements of rule 20(1). The Regional Employment Judge directed that the respondents attend the hearing although they did not attend today.
4. The hearing was due to begin at 10.30. The claimant did not attend. Checks were made that nothing had been received from the claimant that morning and I asked my clerk to

try and contact the claimant. A message was left on her mobile telephone but she did not respond, and nothing further was heard from her.

5. In the absence of any explanation for her non-attendance from the claimant and after her failure to respond to attempts being made to contact her and also noting the claimant's failure to comply with the any orders made by the Tribunal to date, I determined it was appropriate to exercise my powers under rule 47 of the Tribunal's rules of procedure. This rule provides that if that party does not attend or is represented at the hearing, provided that the Tribunal has first considered all the information which is available to it, after any enquiries that may be practicable about the reason for the party's absence, the Tribunal may dismiss the claim.
6. If the claimant seeks reconsideration of this judgment, she must do so within 14 days of it being sent to her. Any such application must be copied to the respondent, and contain an explanation of why the claimant failed to attend, be represented at, or to make any preparations for the hearing.

Employment Judge Cookson

Date 10 May 2021

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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