



EMPLOYMENT TRIBUNALS

Claimant: Miss K Davies

Respondent: Gellifawr LLP

Heard at: Cardiff (by video)

On: 27 May 2021

Before: Employment Judge G Cawthray

Representation

Claimant: Did not attend

Respondent: Simon John, Director

JUDGMENT

The Claimant's claim is dismissed under Rule 47 of the Employment Tribunal's Constitution & Rules of Procedure Regulations 2013.

REASONS

1. The hearing today was a final hearing listed to hear the Claimant's complaint about alleged unlawful deduction of wages, failure to pay holiday pay, failure to provide a written statement of particulars and failure to provide pay slips.
2. The Claimant did not attend. Rule 47 of the Employment Tribunal Rules states:

"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."

3. The Claimant had not provided a telephone number and therefore the Tribunal staff were unable to contact the Claimant via telephone. On my direction an email was sent by the Tribunal staff to the Claimant, for her urgent attention, to her recorded email address at 10.10am seeking confirmation from the Claimant as to whether she was experiencing any joining difficulties and her intentions as to joining the hearing or otherwise. No response was received by 10.45 am.
4. A Notice of Hearing with case management directions was sent to the parties on 22 January 2021.
5. The Claimant emailed the Tribunal and the Respondent with information regarding sums allegedly owed on 18 February 2021, in accordance with the case management directions.
6. The Claimant has not complied with any other case management directions. No Schedule of Loss has been provided, and no documents or witness statement/s have been provided to either the Respondent or the Tribunal.
7. The Tribunal emailed the parties on 13 May 2021 with regard to the time estimate of the final hearing following the dismissal of an unfair dismissal claim and reminded the parties about the case management directions.
8. A Notice of Hearing and CVP details were sent to the parties on 17 May 2021 via email.
9. I have considered whether I am able to proceed with the claim on the basis of information provided, and I have concluded that I cannot.
10. In the absence of any explanation from the Claimant for her non-attendance and failure to respond to the email attempt to contact her and also noting the Claimant's failure to comply with case management directions since 18 February 2021 I determined that it was appropriate to exercise my powers under rule 47 of the ET Rules and dismiss the claim.

Employment Judge G Cawthray

Dated: 8 June 2021

JUDGMENT SENT TO THE PARTIES ON 9 June 2021

.....
FOR THE TRIBUNAL OFFICE Mr N Roche

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.