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EMPLOYMENT TRIBUNALS

Claimant: Ann Reynolds
Respondent: Kismet Kebabs Ltd
Heard at: East London Hearing Centre (by telephone)
On: 01 July 2021
Before: Employment Judge Housego

Representation

Claimant: Did not attend and was not represented
Respondent: Jason Searle, of Counsel

JUDGMENT

The claim is struck out under Rule 47.

REASONS

1. The Claimant did not attend the hearing.
2. Rule 47 provides:

“Non-attendance

47. *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 notice of hearing had been sent to the Claimant and to the Respondent. Neither I nor Counsel for the Respondent had any difficulty in dialling in.
4. The Respondent had no witness statement from the Claimant (and although she had sent multiple screenshots there was no witness statement) and no contact from her to indicate that she was having any difficulty in attending.
5. There had been no recent contact from the Claimant to the Respondent.

6. The Claimant had emailed the Tribunal on Wednesday 30 June 2021 stating that she had forgotten some evidence, and attached it. The heading refers to the hearing being on 01 July 2021, so that the Claimant knew of the hearing.
7. That and the previous email refer to it being at 11am, rather than noon. An email was sent to the correct email address telling the Claimant of the change of time, and plainly it was sent as the Respondent had received it.
8. There was no call to the Tribunal from the Claimant. Had the Claimant mistakenly thought the hearing was at a later time than it was scheduled her absence might have been understandable.
9. Accordingly, I delivered a short extempore judgment dismissing the claim for the reasons given here.
10. Subsequent to the preparation of this judgment, but before it was sent to the Tribunal for promulgation, the clerk notified me (at 3:15 pm) that the Claimant had telephoned in at 2pm using the number provided, which was then in use by the Regional Employment Judge for a different matter. She then telephoned the office and spoke to my clerk. She told my clerk that she had joined the hearing at 10:30 this morning, but again it was a wrong hearing.
11. The clerk was available to be contacted by phone (the Claimant got through to her, as did I earlier in the day). The Claimant simply missed the hearing. While that is unfortunate, it is the duty of litigants to be in Tribunal (whether in person, by CVP or on the telephone) at the right time. There were no technical difficulties preventing the Claimant from doing so.
12. This is not a large claim, and I do not consider that the interests of justice require me to reconsider the judgment I gave orally, at 12:10 (having waited 10 minutes just in case the Claimant was having any issues).
13. I have considered Dimitriu v Testerworld Ltd (t/a De Pharmaceutical) (PRACTICE AND PROCEDURE -- appearance/striking-out) [2020] UKEAT 0088_19_1601, which points out (at paragraph 14) that it is not for the Employment Tribunal to remind parties of the hearings if they fail to attend.

Employment Judge Housego

2 July 2021