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EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4107981/2021

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Hearing Held by Cloud Video Platform on 6 September 2021

Employment Judge Ronald Mackay

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Ms N Mullarkey

**Claimant
Not Present &
Not Represented**

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Sitel UK Ltd

**Respondent
Not Present &
Not Represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Claimant having failed to attend or be represented at the Hearing, the claim is dismissed.

REASONS

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1. This is a claim for arrears of pay. In her ET1 the Claimant claims that she is due a week's pay. The Respondent contends that all sums due have been paid. The precise basis of the claim, and its calculation, was not clear from the ET1.

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2. The case was listed for a Hearing on 6 September 2021 by Cloud Video Platform (CVP). The Hearing had originally been scheduled to start at

E.T. Z4 (WR)

10.00am. An email was sent to both parties on 3 September 2021 providing login details. By email later the same day, both parties were advised that the Hearing would start at 10.30am.

3. On the morning of the Hearing, a representative of the Respondent asked for a postponement of the Hearing on the basis that an individual supporting the Respondent was unwell. On the instructions of the Employment Judge, the Tribunal Clerk replied to the effect that any application for a postponement would be considered at the commencement of the Hearing.
4. By 10.30am, neither the Claimant nor the Respondent were present, nor were they represented. The Tribunal Clerk emailed both to ascertain whether there were any issues in attending. No response was received.
5. The Employment Judge held the virtual room open for 15 minutes to allow for late attendance. Neither party appeared.
6. The Tribunal had regard to the failure of both parties in not attending the Hearing. On the basis that the Claim is one where the Claimant has the burden of proof, however, the Tribunal concluded that it was appropriate for the claim to be dismissed in accordance with Rule 47 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2003.
7. Whilst the Tribunal was mindful of the failure on the part of the Respondent to attend or be represented, it was incumbent on the Claimant to attend to present the claim for which she had the burden of proof. No reason was advanced for her failure to do so.
8. The claim is accordingly dismissed.

Employment Judge: Ronald Mackay
Date of Judgment: 10 September 2021
Entered in register: 14 September 2021
and copied to parties