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EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 1309078/2019

Held via Cloud Video Platform on 2 December 2021

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Employment Judge M Brewer

15 **Mr J Rafferty**

**Claimant
Represented by
Mr S Smith, Solicitor**

20 **Atalian Servest Limited**

**Respondent
Represented by
Mr D Chapman, Solicitor**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Tribunal is that the claim is dismissed pursuant to Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

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REASONS

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1. This case came before me for a hearing to determine the issue of disability. The case had been prepared by solicitors acting for both parties. I was presented with a bundle comprising principally the claimant's disability impact statement and his relevant medical records.
2. The hearing was due to start at 10.30 am.

3. Everyone was present on time save for the claimant. The clerk to the hearing had tried to contact the claimant on the mobile phone number we had for him. That went to voicemail and a message was left. The clerk had also emailed the claimant.

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4. Given that the claimant's solicitor, Mr Smith, was present I started the hearing.

5. Mr Smith advised me that the claimant was working but had taken the day off to attend the hearing, that the claimant had received the papers and had attended a meeting yesterday to talk through the case with Mr Smith.

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6. I advised that if the claimant did not attend, we could postpone the case or dismiss it under Rule 47. I did not consider that the case could go ahead in the claimant's absence. Mr Smith opposed dismissing the case. Mr Chapman asked that the case be dismissed.

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7. I decided to adjourn for 30 minutes to give the claimant time to attend. Mr Smith said he would endeavour to contact the claimant.

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8. On resuming the hearing Mr Smith confirmed that he could not contact the claimant and he too had left him a voicemail message.

9. Given the claimant's non-attendance for no reason I decided to dismiss the claim under Rule 47 of the 2013 Rules.

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Employment Judge: Martin Brewer
Date of Judgment: 02 December 2021
Entered in register: 09 December 2021
and copied to parties

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