



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4122617/2018

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Held in Glasgow on 4 November 2019

Employment Judge R King

10 **Ms L Leach**

**Claimant
Not present and
Not represented**

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Seaforth Hotels Limited t/a Knockderry

**Respondent
Represented by:
Mr R Morton -
Solicitor**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Tribunal is that the claim is dismissed.

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REASONS

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1. The case called for a final hearing on 4 November 2019. The respondent was in attendance and ready to proceed. The claimant had been sent a Notice of the final hearing but she was not in attendance.
2. The tribunal clerk attempted to contact the claimant by telephone but was unable to speak to her. The clerk also checked whether the claimant had sent an email to the Tribunal explaining that she would not be in attendance. No such email had been received. The claimant had failed without explanation to attend the final hearing.
3. In the circumstances the respondent made an application that the claim should be dismissed because of the claimant's non-attendance. The claimant

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had given no prior indication that she would not be in attendance and no reason for her absence. The respondent was in attendance and was prepared to proceed with the hearing. This was the second occasion on which it had attended at a final hearing on the claim ready to proceed. It was entitled to have the claim against it determined and it would be in the interests of justice and consistent with the overriding objective to dismiss the claim.

4. Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 provides that:

"47. Non-attendance

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 reason for the party's absence. "

5. The Tribunal was satisfied that it had made all practicable enquiries that were available to it and that it was left with no reason for the claimant's absence.
6. As the respondent attended ready to proceed to a final hearing and there was no reason for the claimant's absence, the Tribunal concluded that it was in the interests of justice and consistent with the overriding objective to dismiss the claim on the ground of the claimant's non attendance.

Employment Judge: R King
Date of Judgment: 13 November 2019
Entered in register: 14 November 2019
and copied to parties