



## EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case Number: 4105537/2020

Hearing held in Glasgow on 13 December 2021

Employment Judge M Whitcombe

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Mr R Ferguson

Claimant  
Did not attend.

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BT plc

Respondent  
Represented by:  
Mr G Mitchell  
(Solicitor)

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### JUDGMENT

The judgment of the Tribunal is that the claim is dismissed under rule 47 of the ET Rules of Procedure (2013).

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### REASONS

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1. Mr Ferguson's case was due to be heard today at the same time as that of Mr Leonard (Case No. 4106707/2020) Mr Ferguson did not attend. There was nothing on the ET file to explain the reasons for his non-attendance. There was no application for a postponement and no message of any sort had been received from him. He had been in email correspondence with the Tribunal about the hearing as recently as 10 December 2021, the working day before the hearing.

2. In accordance with standard practice the Tribunal staff tried to contact Mr Ferguson but there was no response to two phone calls and one email message.

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3. I therefore considered rule 47 and decided that the hearing would begin in the absence of Mr Ferguson. It may have been that there was a good explanation not only for his failure to attend, but also for his failure to contact the Tribunal before or within 30 minutes of the schedule start time. However, I decided that Mr Leonard's case should not be unduly delayed while that doubt was resolved. While that would probably put an end to the plan to hear both cases together, it would allow the rest of the working day for Mr Ferguson to contact the Tribunal. He did not and the position remains that nothing has been heard from him. I infer that Mr Ferguson has made an entirely voluntary decision not to attend the hearing of his case. Therefore I now dismiss his claim under rule 47.

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**Employment Judge: M Whitcombe**  
**Date of Judgment: 13 December 2021**  
**Entered in register: 14 December 2021**  
**and copied to parties**

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