



## EMPLOYMENT TRIBUNALS (SCOTLAND)

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**Case No: 4100031/2020**

**Final Hearing Held at Glasgow  
On 15 July 2020**

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**Employment Judge M Robison**

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**Ms R Scott**

**Claimant  
Not present and  
Not represented**

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**PJGH Ltd t/a Papa Johns**

**Respondent  
Represented by  
Mr M Haidar  
Owner**

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## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The judgment of the Employment Tribunal is that the claim is dismissed.

## REASONS

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1. Following two case management preliminary hearings a final hearing was set down in this case to take place in person at the Glasgow Tribunal Centre.
2. At the case management preliminary hearing which took place by telephone conference call on 20 May 2020, case management orders in regard to

preparation for the final hearing were issued. That final hearing was not be an in person hearing and parties were advised that the hearing was unlikely to be listed before September.

3. At a further case management preliminary hearing which took place on 15 July, and a copy of those case management orders annexed to the note of the preliminary hearing.
4. The Notice of Final Hearing was sent to parties by e-mail on 7 August 2020. Specifically, the Notice of Hearing was sent to the claimant at her e-mail address.
5. Mr Haidar for the respondent received that e-mail. He subsequently sent five e-mails on 17 August 2020, copied to the claimant at that address, consisting of the productions upon which he intended to rely at this hearing. He received no response from the claimant.
6. Mr Haidar made an application for the claim to be dismissed, on the grounds that the claimant had not attended, and had not responded to his e-mails. He also argued that the documentation he had lodged proved beyond reasonable doubt that the claimant was self employed.
7. The claimant did not attend to represent herself at this hearing or to pursue her claim. I noted that the claimant had not complied with the case management orders regarding the exchange and lodging of documents. I noted that she had not responded to the respondent's e-mails forwarding productions.
8. In these circumstances, I decided that the claim should be dismissed. I explained to Mr Haidar that I was dismissing the claim for these reasons, and not because I had taken any view on the evidence which he had lodged. In order to do so, I would require to hear evidence from him, and from the claimant.
9. It subsequently transpired that the claimant had sent an e-mail to the Tribunal dated 4 September at 16.46, copied to the respondent, advising that she had heard nothing from the Tribunal since she had made a request for advice. It appears from this e-mail that the claimant was not aware that of the dates of the final hearing, despite the e-mail having been sent to the same e-mail address, as well as the various documents from the respondent.

10. In the event that the claimant has a valid reason why she did not attend the hearing, or comply with the case management orders, then she should make an application for this decision to be reconsidered.

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Employment Judge: Muriel Robison  
Date of Judgment: 07 September 2020  
Entered in register: 09 September 2020  
and copied to parties

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