



## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4110625/19**

**Heard in Glasgow on 7 September 2020**

**Employment Judge S. Walker**

5 **Mrs E Tracey**

**Claimant  
Did not attend**

10 **Greyside Ltd**

**Respondent**

### **JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

15 The judgment of the Tribunal that the claim shall be dismissed under rule 47 of the  
Employment Tribunals Rules of Procedure 2013 as the claimant failed to attend the  
hearing.

### **REASONS**

1 This claim was presented to the Tribunal on 4 September 2019. An extension of  
20 time to present a response was granted until 18 November 2019. The claim is for  
unfair dismissal (constructive) and unauthorised deduction from wages.

2 A preliminary hearing for case management took place on 26 February 2020  
which the claimant attended in person. There was no appearance on behalf of  
the respondent. At that case management hearing, it was decided to list the case  
25 for a final hearing on 18 and 19 May 2020. Standard orders were issued.

3 The claimant emailed what she described as a “written submission” on 16 March  
2020 which set out the evidence she would give. However, the claimant did not  
send in details in relation to remedy as required by paragraph 3 of the standard  
orders.

4 Matters were then overtaken by the pandemic. In line with the Presidential  
Guidance, a telephone conference call was to be listed for 11 May to discuss how  
to proceed.

5 The claimant emailed to say that *"I don't do conference calls because I need my  
5 adviser present Mr O'Shea and with the present restriction that would not be  
possible"*. She asked if it could be put off "until the country gets back to normal".

6 That request was refused with reference to the Presidential Guidance and a  
preliminary hearing for case management was listed by telephone for 11 May  
2020. The claimant did not attend that hearing (despite efforts to contact her by  
10 telephone) but Mr McLeod for the respondent did attend. At that hearing, it was  
decided that the hearing on 18 and 19 May 2020 should be postponed because  
of the pandemic. The standard orders which had not been complied with were re-  
issued to parties. The respondent advised that they understood that the claimant  
had obtained alternative employment immediately following the termination of the  
15 employment with them and that she was only seeking the basic award by way of  
compensation.

7 On 21 May, date listing letters were sent to both parties to obtain convenient dates  
for the re-listed hearing in July - September. Neither party replied. The hearing  
was listed for 7 and 8 September 2020 and hearing notices were sent by email  
20 on 4 August 2020.

8 There has been no communication by either party with the Tribunal since the  
preliminary hearing on 11 May. The standard orders have not been complied with.

9 Neither party attended for the hearing. The clerk attempted to call the claimant  
on the telephone number provided but the number was set to "busy". For the  
25 respondent, Mr Macleod said that he was unaware of the hearing having been  
listed. Having checked the file it appears that this was sent to the wrong email  
address for the respondent. However, the notice to the claimant was sent to the  
email address provided by the claimant in her claim form.

10 I consider, having reviewed the contents of the file, that the claim should be  
30 dismissed. The claimant did not attend the previous case management hearing

and has not communicated with the Tribunal at all since then. She has not provided the required information in relation to remedy which has been ordered on two occasions. She was sent the hearing notice to the correct email address and has failed to attend.

5 11 If she wishes to continue with her claim, it is open to her to make an application within 14 days of this judgment being sent to her, for reconsideration of this judgment. She should state why it would be in the interests of justice for the judgment to be reconsidered and must explain why she has failed to attend two hearings in relation to the case. Any such application, if made, will be considered  
10 by the Tribunal.

**Employment Judge: S Walker**  
**Date of Judgment: 7 September 2020**  
**Entered in register: 9 September 2020**  
15 **and copied to parties**