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**EMPLOYMENT TRIBUNALS (SCOTLAND)**

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**Case Number: 4112364/2021 (V)**

**Employment Judge S Cowen**

**In the Edinburgh Employment Tribunal**

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**On 20 January 2022 by CVP**

Ms Nanette Morrison

Claimant

Did Not Attend

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Q Squared Solutions Ltd

Respondent

Represented by

Mr Turner –

In house Solicitor

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**JUDGMENT**

1     The respondent's application to extend time for the filing of the ET3 is  
dismissed.

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2     The claimant's claim is dismissed.

## REASONS

1 The claimant failed to attend the hearing, despite having had notification of  
it by email and a call from the CVP clerk on the day of the hearing, to which the  
5 claimant did not respond.

2 The claimant had also failed to respond to requests from the Tribunal in  
December 2021 and January 2022 to provide more information and evidence of  
her claim.

3 The respondent had failed to file a response to the claim within the time  
limit, but made an application to the Tribunal on 19 January 2022 to either be  
allowed to file the ET3 out of time, or to be allowed to provide documentation to the  
Tribunal for the assistance of the Tribunal in dealing with the claim.

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4 Mr Turner appeared on CVP on behalf of the respondent.

5 The respondent's application to extend time gave no reason for the delay in  
providing an ET3 other than human error. The application to extend was therefore  
20 dismissed.

6 I considered under rule 21(2) that documents provided by the respondent  
could be considered as available material and that the case could be determined.

7 I considered under rule 21(3) that the respondent's representative should be  
permitted to attend the CVP hearing. He confirmed that the claimant had been sent  
the documentation with the application.

8 The documentation provided by the respondent included a copy of an  
30 Annual Leave policy, indicating the period for holidays, the entitlement to holidays  
and the pro rata for holidays upon termination of employment.

9 I also was provided with a Time Off Balance spreadsheet showing holiday  
entitlement and taken.

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10 Finally, I was shown a letter to the claimant dated 7 September 2021 which  
indicated that any excess holiday would be deducted from final pay, with an  
accompanying payslip in September which showed an amount deducted.

40 11 I therefore conclude, in the absence of any evidence to show that these  
sums were incorrect, that the claimant's claim should be dismissed.

45 Employment Judge: Sally Cowen  
Date of Judgment: 20 January 2022  
Entered in register: 24 January 2022  
and copied to parties