



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms. Eve Dixon

v

**Rainbow Carpets &
Flooring Limited**

Heard at: Birmingham via telephone On: 12 May 2022

Before: Employment Judge Wedderspoon

Representation:

Claimant: No attendance

Respondents: Mr. Afsar, Director

JUDGMENT

1. The claimant's claim is dismissed for failure to attend the preliminary hearing of today's date and failure to actively pursue the matter.

REASONS

2. The preliminary hearing was postponed from 3 November 2021. The parties were sent notice of the hearing today on 19 November 2021 and 28 April 2022. The Tribunal clerk attempted to contact the claimant on four occasions by telephone prior to the commencement of the hearing but was unable to contact her. The respondent attended the hearing and stated he had attempted to contact the claimant by text message but had not been able to make contact with her.
3. Pursuant to Rule 47 of the Employment Tribunal Rules of 2013 the Tribunal has a discretion to dismiss the claim where there is a non-attendance of a party taking into account the overriding objective.
4. The Tribunal determined to dismiss the claim in the circumstances that it was in the interests of justice and pursuant to the overriding objective. Parties are expected to actively pursue their claims particularly in the context of limited judicial resource and time which must be sent on other cases in a congested cause list.
5. The parties were made aware on two occasions (19 November 2021 and 28 April 2022) by notice that the hearing was re-listed for today. No documents had been lodged by the claimant with the Tribunal for the purposes of the hearing today. There is no evidence of the claimant's engagement with the Tribunal or the respondent this year. Despite the efforts of the Tribunal to contact the claimant today on four occasions there was no response from the claimant. Accordingly, the claimant's claim is dismissed.

Employment Judge Wedderspoon

12 May 2022

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