



# EMPLOYMENT TRIBUNALS

**Claimant**

Miss T Ruskin

v

**Respondent**

Poundland Limited

**Heard at:** Watford, in person

**On:** 1 June 2022

**Before:** Employment Judge Hyams, sitting alone

**Appearances:**

**For the claimant:**

Not present or represented

**For the respondent:**

Ms A Johns, of counsel

## JUDGMENT

The claimants' claim of unfair dismissal is dismissed under rule 47 of the Employment Tribunals Rules of Procedure 2013.

## REASONS

- 1 The claimant claimed unfair dismissal, and only that, in these proceedings. Her claim was due to be heard on 31 May and 1 June 2022, but there was no judge available to hear it on the first of those two days. It was allocated to me to be heard as a one-day hearing on the second of those two days, but of course with the possibility if more time was required of the hearing being adjourned to a later day. The claimant was informed by the tribunal staff by email at 12:59 on 30 May 2022 that the hearing was, because no judge was available to hear the case on 31 May 2022, going to start on 1 June instead. She did not reply to that email.
- 2 Nor did she contact the tribunal staff to say that she was unable to attend the hearing. She had not attended by 10:00 on 1 June 2022. Rule 47 of the Employment Tribunals Rules of Procedure 2013 therefore applied. That provides:

“If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party’s absence.”

- 3 I therefore waited until 10:15 to see whether the claimant attended late. She did not do so. I therefore asked the hearing clerk to try to contact the claimant by telephone to see whether the claimant intended to attend the hearing. The clerk had a mobile telephone number for the claimant, which she (the clerk) called, but, I was informed by the clerk, the call went straight through to voicemail. The clerk left a message but the claimant had not attended the hearing by 10:35. Nor had she contacted the tribunal in any way to explain her failure to attend the hearing.
- 4 The claimant had not made a witness statement for the hearing, despite having been ordered to do so.
- 5 In all of the circumstances, I concluded that the claimant was not pressing her claim and that it should be dismissed.

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Employment Judge Hyams

Date: 1 June 2022

JUDGMENT SENT TO THE PARTIES ON

18/6/2022

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FOR THE TRIBUNAL OFFICE