



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms Maureen Daley

v

Arriva London North Ltd

Heard at: Watford In-person

On: 10 June 2022

Before: Employment Judge Bedeau

Representation

For the Claimant: Did not attend

For the Respondents Mrs A Moseley-Ford, Paralegal

DISMISSAL JUDGMENT

All claims against the respondent are dismissed under rule 47, Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

REASONS

1. In this case the claim form was presented to the Tribunal on 29 August 2019, in which the claimant ticked the disability discrimination box. She works for the respondent as a Bus Driver having commenced her employment on 26 January 2016. She claimed that she had been denied her request to work early shifts due to neck pains, and that she had been paid sick pay during her period of sick leave from 3 October 2019 to 6 December 2018, and not her full salary.
2. In the response presented to the Tribunal on 7 October 2019, the claims are denied. The respondent averred that the claim is out of time; that the disability is unclear and, in any event, is not admitted; further, that the claim is denied.

3. On 9 January 2022, the Tribunal notified the parties that the case will be listed for a preliminary hearing today for the Employment Judge to determine whether the claim was presented out of time and, if so, whether time should be extended on just an equitable grounds? If allowed to continue, to issue case management orders.
4. The claimant did not attend the hearing and did not contact the Tribunal to say that she was either unable or unwilling to attend.
5. Ms Mosely-Ford, on behalf of the respondent, said that the claimant had not communicated either with the respondent or its representatives.

The law

6. Rule 47 states the following:-

“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.”

Conclusion

7. In view of the age of the case and the fact that the claimant failed to attend the hearing without good reason, and having reviewed the file in which there is nothing of relevance, I decided to dismiss all claims against the respondent under rule 47 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

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Employment Judge Bedeau

Date: 10 June 2022

Sent to the parties on:

25 June 2022

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For the Secretary to the Tribunals