



EMPLOYMENT TRIBUNALS

Claimant: Miss Katy Sams
Respondent: 1st Alert/ Dave Oran
Heard at: London South Employment Tribunal (by remote video hearing)
On: 12 July 2022
Before: Employment Judge Ferguson
Representation:
Claimant: None
Respondent: None

JUDGMENT

The claim is dismissed.

REASONS

1. This case was listed for a Final Hearing by video today, 12 July 2022, at 2pm. Notice of the hearing had been sent to the parties on 16 May 2022 and instructions for joining by video were sent on 7 July 2022. Both letters were sent to the Claimant by email at the email address she provided to the Tribunal.
2. Neither the Claimant nor the Respondent attended by 2pm. The clerk attempted to telephone the Claimant without success. The clerk also emailed both the Claimant and the Respondent reminding them of the hearing and offering to help them to log in if they telephoned the Tribunal. By 2.45pm neither party had joined the hearing or made any other contact with the Tribunal.
3. Both parties had failed to attend a previous hearing and failed to comply with Tribunal orders seeking clarification of the matters in dispute. By letter dated 1 February 2022 the Tribunal sought further clarification and made further orders. The only communication from the Claimant since that date was on 2 February 2022 when she sent three emails,

none of which were copied to the Respondent, two complaining about not being able to get through to the Tribunal by telephone, and one saying, "I still want the case to be taken to court" and asking for another hearing date.

4. By letter dated 12 May 2022 the Tribunal warned the Claimant that if she did not attend the next hearing the Tribunal would consider whether the claim should be struck out.
5. Rule 47 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."
6. Rule 37 provides that the Tribunal may, at any stage of the proceedings, either on its own initiative or on the application of a party, strike out all or part of a claim on the ground that it has not been actively pursued.
7. In view of the Claimant's failure to attend today's hearing, having given no reasons for her absence and having not responded to the Tribunal's attempts to contact her, and in light of the history of failure actively to pursue the claim, I consider it appropriate to dismiss the claim.

Employment Judge Ferguson
Date: 12 July 2022