



# EMPLOYMENT TRIBUNALS

**Claimants:**

Miss T Potheary

v

**Respondent:**

Oasis Fashions Limited  
(in administration)

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – rule 47

The claimant's claim is dismissed under rule 47.

## REASONS

1. The claimant was employed by the respondent, a national British fashion retailer which went into administration on 15 April 2020. The claimant brought an employment tribunal claim making claims for a protective award (for failure to consult), for a redundancy payment, notice pay, arrears of pay and for unfair dismissal. The claim was stayed pending consent from the administrators of the respondent.
2. In the ET3 and grounds of resistance presented on 27 September 2021, the administrators of the respondent granted consent for the claimant's claim against the respondent to proceed. The respondent disputes the claimant's claim for a protective award. It says that the duty to consult under section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 did not arise in respect of the claimant because she worked at an establishment where the respondent was proposing to dismiss fewer than 20 employees.
3. The tribunal wrote to the claimant on 25 March 2022 to say that the claimant's claims would be decided at a hearing to be conducted by video on 14 July 2022. The tribunal made case management orders for the claimant to provide details of the amounts claimed, documents in support of her claim and a witness statement.
4. The claimant did not provide any information in accordance with the case management orders. She did not attend and was not represented at the hearing on 14 July 2022. She did not contact the tribunal to say why she would not be attending. The claim has not been actively pursued, and it seems that the claimant has decided not to pursue her claim.

5. In the circumstances, the claim is dismissed under rule 47 of the Employment Tribunal Rules of Procedure 2013. This rule relates to non-attendance at a hearing.

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**Employment Judge Hawksworth**

Date: 21 July 2022

Sent to the parties on: 26 July 2022

For the Tribunal Office

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