



# EMPLOYMENT TRIBUNALS

**Claimants:**

Mrs L Milton

v

**Respondent:**

Warehouse Fashions Limited (in  
administration) (1)

Secretary of State for Business,  
Energy and Industrial Strategy (2)

## JUDGMENT

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

The claimant's claim for notice pay 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) and for notice pay. 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 did not contest the claimant's claim for a protective award; judgment for a protective award was issued dated 28 January 2022.
3. The tribunal wrote to the claimant on 25 March 2022 to say that the claimant's pay claim would be decided at a hearing to be conducted by video on 19 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. The tribunal does not have details of the amount claimed by the claimant and whether she has received any payments or part payments from the Redundancy Payments Service. The claimant did not attend and was not represented at the hearing on 19 July 2022. She did not contact the tribunal to say why she would not be attending. The pay claim has

not been actively pursued, and it seems that the claimant has decided not to pursue her pay claim.

5. In the circumstances, the notice pay 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: 5 August 2022

Sent to the parties on: 9 August 2022

For the Tribunal Office

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