



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No 4101700/2022

Held in Edinburgh by CVP on 7 October 2022

Employment Judge: M Sutherland

5 Angela Wales

Claimant
No appearance

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Greyside Ltd

Respondent
No response
No response

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Tribunal is that the claim is dismissed under Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 for failure to attend or be represented at the final hearing.

REASONS

1. The claimant had presented complaints of unfair dismissal, disability discrimination, for notice pay and for holiday pay. No response was received and accordingly the complaints were not resisted.
2. On 20 May 2022 the Claimant was asked to advise details of compensation sought in respect of each complaint to allow a default judgment to be issued. The Claimant provide some information on 28 June 2022. On 6 July 2022 the Claimant was asked to provide evidence of earnings from the Respondent and steps taken to find alternative work. The Claimant did not provide this evidence or reply. Accordingly a final hearing was listed for today to determine all issues.

3. On 2 September 2022 the Claimant was advised that a final hearing would take place by video on 7 October 2022 (the Claimant having advised that they would be able to participate in a video hearing). The Claimant was advised that she would need to give oral evidence in support of her claim at that hearing. She was also advised that any documentary evidence must be lodged 7 days prior to the final hearing. No such documentary evidence was provided.
4. The Claimant was advised of the need to participate in a test prior to the hearing. On 16 September 2022 the Claimant referred to the date of the hearing and provided her contact details for that hearing. The tribunal service tried to contact the Claimant on a number of occasions by both email and telephone with a view to arranging that test without any success.
5. At the CVP hearing start time of 10am the Claimant was not in attendance. The tribunal clerk made a number of attempts to contact the claimant by both email and telephone on the morning of the hearing. There was no response from the Claimant and the clerk advised that both telephone numbers provided appeared to be invalid.

Relevant law

6. Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("ET Rules") provides that if a party fails to attend or 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, the Tribunal shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.

Discussion and decision

7. Considering the information available I noted that: the Claimant had not provided the evidence or lodged copies of any supporting documents as previously requested; the Tribunal tried without success to arrange a test in advance of today's hearing despite using all means of contact she had provided; the Tribunal tried without success to contact the Claimant on the

morning of the hearing; the Claimant was aware of the date of the hearing and had previously been in touch about it; the Claimant made no contact with the Tribunal on the day of the hearing. In the circumstances it appeared that the reason for her absence was that she did not insist upon her claim.

- 5 8. Taking into account the overriding objective within the ET Rules, and all the information available to me, it is considered fair and just in the circumstances of this case that the claim be dismissed in its entirety.
9. The claimant has a right to seek a reconsideration of this decision in the interests of justice under rules 70 and 71 of the ET Rules within 14 days of
10 the issue of this judgment to parties. However, such a reconsideration would be subject to proper explanation being provided to the Tribunal for the claimant's failure to either attend or seek a postponement of today's hearing.

Employment Judge: M Sutherland
Date of Judgment: 07 October 2022
Entered in register: 07 October 2022
and copied to parties

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