



# THE EMPLOYMENT TRIBUNAL

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**Claimant:** Miss K Grabowska

**Respondent:** Skylane Hotels Limited

Heard at: London South Employment Tribunal (by CVP)

On: 11 October 2022

Before: Employment Judge A. Beale  
Mrs R. Bailey  
Mr J. Gautrey-Jones

Representation  
Claimant: Did not attend  
Respondent: Ms D. Tombs (Director)

## JUDGMENT

**The Claimant having failed to attend the hearing, the claim is dismissed under rule 47 of the Employment Tribunal Rules of Procedure.**

## REASONS

1. The Claimant submitted a claim for unfair dismissal and pregnancy/ maternity discrimination arising from her dismissal on 27 July 2020. A response denying the claim was submitted on 29 September 2020.
2. On 3 January 2021, the Claimant's unfair dismissal claim was struck out because she did not have two years' qualifying service.
3. A case management hearing took place on 27 September 2021, at which directions were made for the future conduct of the claim, and a hearing date of 11 - 12 October 2022 was set. The Claimant had the assistance of a Polish interpreter at this hearing. The Employment Judge noted that she did speak some English and would be able to comply with the directions.
4. Since the date of the case management hearing, the Claimant has failed to comply with any of the directions. There is no Schedule of Loss, no

documents have been exchanged; there is no bundle and no witness statements have been produced or exchanged. The Respondent, who attended today's hearing by way of Ms Tombs, had also not complied with the directions. Ms Tombs said that this was because she believed the Claimant first had to provide her information. Ms Tombs wrote to the Tribunal to this effect on 5 September 2022, but this email does not appear to have been responded to.

5. The parties were informed that the hearing was to proceed via CVP by emailed letter dated 4 October 2022. As noted above, the Respondent joined the hearing without difficulty.
6. The Claimant's only contact with the Tribunal since the case management hearing has been to request an interpreter. The Claimant sent an email making this request on the morning of the hearing (this morning).
7. The Claimant did not join the CVP hearing at 10 a.m. She was emailed in response to her request for an interpreter, to inform her that an interpreter was in attendance. Several attempts were made to contact her on the telephone number she had provided. When the Claimant still had not attended at 10:45, an email was sent to her informing her that if she did not join the hearing by 11:15 a.m., the Tribunal would decide how to proceed in her absence, and that one of the options open to the Tribunal would be to dismiss her claim.
8. The Claimant did not attend by 11:15 a.m. We asked Ms Tombs to make any arguments she wished to make on how we should proceed. Ms Tombs gave us some factual background from the Respondent's perspective, which was essentially the information set out in the ET3, and asked us to dismiss the claim.
9. Rule 47 of the Employment Tribunal Rules of Procedure 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."*

10. We considered the ET1 and the ET3. We noted that the Claimant had provided no documents or witness statement in support of her claim, despite stating in the ET1 that she had relevant email correspondence with her manager. We noted that the Claimant had taken no active steps in the claim since the case management hearing on 27 September 2021. We noted that the Claimant had been assisted on that date by a Polish interpreter, and that the Employment Judge was satisfied that she would be able to deal with the directions. We noted that the hearing date was set out in the case management order and that the Claimant had been sent notice of the CVP hearing. Finally, we noted that the Claimant had been able to contact the Tribunal by email on the morning of the hearing, but had not provided any

explanation as to why she had not joined the CVP hearing.

11. Taking into account all the above circumstances, we decided to dismiss the claim under rule 47.

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Employment Judge A. Beale  
Date: 11 October 2022