



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4104319/2022

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Held by telephone conference call on 16 November 2022

Employment Judge: Neil Buzzard

10 **Mr P Hamilton**

**Claimant
No appearance and
No representation**

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Kings Park Hotel

**Respondent
Represented by:
Mr R Pathak -
Owner**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

20 The claimant's claim is dismissed pursuant to rule 47 of the Employment Tribunal Rules of Procedure 2013, following the claimant's failure to appear or to be represented at this hearing.

REASONS

1. There is a limited dispute in the claimant's claim. The dispute is a factual dispute about how many days of paid holiday the claimant had taken whilst
25 employed by the respondent. To determine this evidence would need to be heard from both parties, as their assertions of fact appear to be directly contradictory.
2. The claimant did not attend the hearing. No reason for non-attendance was provided by the claimant. Attempts to contact the claimant were unsuccessful.
- 30 3. The claimant had not responded to attempts to contact him to verify that the equipment he intended to use would connect correctly to a video hearing. These attempts to contact the claimant were made in the days prior to the hearing.

4. The respondent appeared as listed at this hearing.
5. The claimant's claim should have been considered at an earlier hearing on 14 October 2022. The claimant had to be chased to dial in to the hearing. It transpired that the claimant was in work that day, and he was not able to take time out to attend the hearing of his claim. The claimant attended that hearing via telephone only. The hearing was listed as a video hearing. The claimant only attended the hearing briefly, around 30 minutes, despite it having been listed for a full day.
6. The respondent appeared as listed, via video link, at the 14 October 2022 hearing.
7. Following the claimant's inability to attend fully on 14 October 2022, this further hearing was listed to determine the claimant's claim.
8. In the circumstances it is just and equitable to dismiss the claimant's claim for his non-attendance pursuant to rule 47 of the Employment Tribunal Rules of Procedure 2013. The respondent has twice attended a hearing to allow the claim to be disposed of. The claimant has twice prevented determination of his claims being possible, on this second occasion without any explanation or notice. The value of the claimant's claims is under one weeks' pay. It would not be just, equitable or proportionate to list a further hearing to afford the claimant a third opportunity to pursue his claim.

Employment Judge: N Buzzard
Date of Judgment: 21 November 2022
Entered in register: 22 November 2022
and copied to parties