



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms E Carpita

**Respondent:** STR 48 Limited

**Heard by video** On: 24 January 2023

**Before:** Employment Judge Corrigan

## Appearances

For the claimant: No appearance

For the respondent: No appearance

## JUDGMENT

1. The claimant's claim for notice pay is struck out as it appears it is not being pursued and the claimant did not attend today's hearing.

## REASONS

2. The claimant did not attend today's hearing. She had not provided a telephone number and email address so the joining instructions had not been sent to her.
3. The address she put for herself on the claim form was the respondent's address. However, the tribunal have been corresponding with the address on the ACAS certificate (it appears on its own initiative), although omitting the flat number.
4. She had been sent the notice of hearing dated 27 September 2022 and there was no record that she herself had made any contact with the tribunal to find out how to attend.

5. She had also been sent the orders in respect of the hearing, which required both parties to send supporting documentation to the tribunal two working days before the hearing. Nothing had been received from either side.
6. The parties were also sent the letter dated 13 December 2022 which also stated the date of the hearing and required them to make contact with the tribunal by 28 December 2022 to confirm the hearing was going ahead and whether the parties intended to attend the hearing. That letter explicitly warned that a failure to reply by the date given could lead to the case being struck out for non-pursuit. The tribunal has not received any correspondence from the claimant in response to the letter. It therefore appears that she is not progressing her claim.
7. The respondent also did not attend but the tribunal were able to make contact by phone and confirm that the joining instructions were received. The respondent said they had written to the tribunal to check the date of the hearing as they said it was not on the joining instructions received but no one had replied. The clerk today could find no record of that email. He asked if the respondent had received the notice of hearing. The person he spoke with said she did not know about this, citing high turnover of staff. This was not sufficient for me to conclude that the claimant had not received the notice of hearing. The evidence on the file is that it has been sent to both parties.
8. I recognise there is a chance that the claimant has not received the correspondence as it did not have her flat number. However the rest of the name and address was correct and there is therefore a good chance that she did. She herself has not made any contact with the tribunal to progress her claim (or to ensure the tribunal have the correct details with which to contact her). In the circumstances I considered the appropriate course was to strike out the claim due to non-pursuit.

EJ Corrigan

London South

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