



EMPLOYMENT TRIBUNALS

Claimant: Ms Natalie Lawrence

Respondent: Rohit Vikal

PRELIMINARY HEARING BY TELEPHONE

Heard at: Reading **On: 18 January 2023**

Before: Employment Judge Gumbiti-Zimuto

Appearances

For the Claimant: Not attending and not represented

For the Respondent: In person

JUDGMENT

The claim is dismissed pursuant to rule 47 of the Employment Tribunals Rules of Procedure.

REASONS

1. This case was listed as a telephone hearing. I called the claimant on 07507734388, the claimant did not respond to a call made by me using BTMEETME. I called the respondent on 07557304694 the respondent did not respond to a call made using BTMEETME. I considered the material before me and made a decision to dismiss the claim for the following reasons.
2. The claimant commenced employment with the respondent on 5 April 2021. Two weeks into the role the claimant was off sick. The claimant returned to work after 4 days when she was dismissed by the respondent. The claimant says that she made a protected disclosure by reporting to the respondent various health and safety issues and also by reporting various health and safety issues to Waverly Borough Council. The claimant says that the reason that she was dismissed was because she made protected disclosures. The claimant makes claims of unfair dismissal, "whistleblowing", unpaid wages, holiday pay, and breach of contract.
3. The case was listed for a preliminary hearing for case management to take place on the 12 August 2022, the claimant did not attend the hearing which was listed to

take place in person. I made an order that I was considering striking out the claim because it has not been actively pursued. The claimant was given until 2 September 2022 to object to this proposal and to give reasons in writing or request a hearing at which you can make the objection.

4. The claimant wrote to the Tribunal stating that she had made an error in noting the date and so had not attended. I did not strike out the claim and the case was re-listed for hearing to take place today, 18 January 2023.
5. On the 17 January 2023 Mr Rohit Vikal, the respondent, wrote to the Tribunal by email stating that he was unavailable for the hearing today and could not attend. He asked that the hearing is postponed to a different date. I refused the application because there was no explanation provided justifying a postponement of this hearing.
6. The hearing today was listed to take place by telephone. Today I attempted to contact the claimant and respondent by telephone on the numbers provided by the respondent. Neither party answered the call.
7. I have considered the papers in this case and come to the conclusion that this is not being actively pursued by the claimant. There is no reason provided for the claimant's absence from this hearing. The hearing is conducted by telephone, on 1 January 2023 the claimant was informed that the hearing would take place using this means and the claimant was asked to provide a telephone to the Tribunal. The respondent replied on 4 January 2023 with a request for a postponement. In the absence of any response the respondent repeated his request for a postponement on 17 January 2023, when as stated above, I refused the application to postpone.
8. Having regard to the history of this case and considered the contents of the claim form and the response I have concluded that the case is not being conscientiously pursued by the claimant. In those circumstances I have decided that the claim should be dismissed pursuant to rule 47 Employment Tribunals Rules of Procedure 2013.

Employment Judge Gumbiti-Zimuto

Dated: 18 January 2023

Sent to the parties on:

17/2/2023

For the Tribunal: NG