



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8000129/2022

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Held in Glasgow by CVP on 5 June 2023

Employment Judge Murphy

10 **Ms A Seisay**

**Claimant
Not present and
Not represented**

15 **Go-Centric Ltd (in liquidation)**

**Respondent
Not present and
Not represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is that all claims brought under claim number 8000129/2022 are dismissed pursuant to Rule 47 of the Employment Tribunal Rules 2013.

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REASONS

1. A final hearing was fixed for 5 and 6 June 2023 at the Glasgow Tribunal to proceed by videoconferencing. The hearing was convened pursuant to Rule 21 of the Employment Tribunal Rules 2013, the respondent not having entered a response to the claim.
- 30 2. The claimant failed to attend or be represented at the hearing. The respondent went into voluntary liquidation on 9 December 2022. The respondent was not represented by the liquidator at the hearing (or at all). The liquidator had written to the Tribunal on 25 January and 8 March 2023 advising that the liquidator would be taking no steps with regard to the Tribunal claim as there
35 would be no recovery for unsecured creditors. The liquidator advised her

assessment that only the claimant's holiday pay claim would attract preferential ranking.

3. On 24 March 2023, the Tribunal issued an order to provide information upon the claimant. She was ordered, by 10 April 2023, to provide specification of her claims and their statutory basis, details of the events or failures relied upon and details of who witnessed these alleged events or failures.
4. A Notice of the hearing listed for 5 and 6 June 2023 was sent to both the claimant and the liquidator on 28 March 2023 by email.
5. On 17 April 2023, the claimant had not complied with the Order dated 24 March 2023. She subsequently sought and extension to the time limit for compliance which was granted. The time limit was extended to 25 May 2023.
6. By 2 June 2023, the claimant had not complied with the Order dated 24 March 2023. She was sent a further reminder on that date and was asked to reply by return. She was asked to send in paginated documents to be used at the hearing.
7. On 30 May 2023, the Clerk attempted to contact the claimant by email to arrange a CVP test in advance of the hearing on 5 June. On 2 June 2023, the Clerk then attempted to contact the claimant by phone. The claimant did not respond. On 2 June 23, the Clerk later sent the claimant joining details and link to the CVP hearing. The claimant did not reply. She did not send in paginated documents as requested by EJ McManus on 2 June 2023. On the morning of 5 June at 9.25 am, the claimant sent an email, to the Tribunal as follows:

"Good morning,

i am unable to attend, i am awaiting the school head teacher and the police as my son has had a further racist attack and i cannot leave him as i am a single parent.

i have attached a letter from the head of education to provide some context.

i am sorry however i have to ensure my son is the priority/

thanks

8. The Tribunal sent an email to the claimant at around 10 am as follows:

Dear Ms Seisay

*Your email correspondence of 5 June at 9:32 am has been referred to EJ
5 Murphy who has directed as follows:*

- *The claimant must advise by return whether she wishes to continue to pursue her complaints in the Tribunal. It is noted that the claimant has not complied with the Tribunal's Order of 24 March 2023.*
- *If she does wish to pursue her claims, the claimant must advise by
10 return when the incident occurred to which she refers in her email of today's date? The letter she attaches refers to a complaint dated 22 March 2023. Has there has been a further and separate incident to that which formed the subject of her complaint and, if so, on what date did it occur?*
- *When did the claimant become aware of a requirement to meet on 5
15 June 2023 with the Head Teacher of her son's school and the police?*
- *The claimant should provide any other relevant information about the circumstances concerning the reason for her absence today which she wishes the Tribunal to take into account.*

*The claimant is asked to reply by 10:45 am. The claimant's attention is drawn
20 to the terms of Rule 47 of the Employment Tribunal Rules 2013 which provides that, in the event of a party's non-attendance at a hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of the party.*

25 9. The claimant had not responded to the email at 11:15 am.

10. Taking all relevant circumstances into account, I dismissed the claimant's claims pursuant to Rule 47 of the Employment Tribunals Rules of Procedure 2013. Based on the circumstances known to me, having made such enquiries

as were practicable, it did not appear that the claimant wished to actively pursue her complaints. In this regard I noted not only the claimant's failure to attend the hearing but also her failure to comply with the Tribunal's Order dated 24 March 2023, despite an extension having been granted. I also noted her failure to provide a paginated bundle for use at the hearing as requested. I further noted her lack of engagement by the Clerk in response to the Clerk's contact on 30 May and 2 June 2023 with regard to the CVP test. It was unclear from the terms of the claimant's correspondence of 5 June whether an unforeseen emergency had arisen on the morning of 5 June or whether she was referring to a more historical incident. It was unclear from her correspondence whether she intended or wished to continue to pursue her complaints in the Employment Tribunal. She did not articulate any application for a postponement. She did not clarify her position in this regard when asked to do so.

11. The claimant may apply for reconsideration of this judgment if she believes it to be necessary in the interests of justice within 14 days of the date it is sent to the parties. Rules 71 – 72 of the Employment Tribunal Rules of Procedure 2013 set out the requirements for any such application and the process that would be followed in the event of such an application. On reconsideration, the decision to dismiss the claims may be confirmed, varied or revoked. If it is revoked, it may be taken again.

Employment Judge: L Murphy
Date of Judgment: 05 June 2023
Entered in register: 05 June 2023
and copied to parties