



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss L Webb

**Respondent:** Pinaccle Care

**HELD AT:** Manchester

**ON:**

15 June 2023

**BEFORE:** Employment Judge Mellor (sitting alone)

**REPRESENTATION:**

**Claimant:** No attendance or representation.

**Respondent:** No attendance, no ET3 presented.

## JUDGMENT

1. The claimant having failed to attend or to be represented at the full merits hearing listed on the 15 June 2023, her claims are dismissed under Rule 47, Schedule 1 of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013.

## REASONS

2. The claimant submitted a claim on 30 March 2023 for unpaid wages and overpayment of tax (which this tribunal has no jurisdiction to determine). The respondents have not filed a response.
3. The claim was listed for a hearing today to determine the claimant's claim. By a notice of hearing dated 14 March 2022 the tribunal made case management orders for the hearing including that the claimant must send to the respondent a document setting out how much she is claiming and how that was calculated together with any supporting evidence.
4. The claimant has not sent in any document or evidence complying with that order.
5. The claimant did not attend the hearing today, I asked the tribunal clerk to call the claimant which she did on two separate occasions. On both occasion the call went unanswered and went to a generic voicemail inbox. The tribunal had

previously emailed the claimant, but it bounced back (it seems likely the address on file is incorrect). Therefore the notice of hearing was posted to her. I am satisfied she has had the notice of hearing. I waited until 10.30 for the claimant to arrive or communicate with the tribunal.

6. Rule 47 of the Employment Tribunal Rules of Procedure 2013 ('the 2013 Rules') provides that 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.
7. The claimant did not comply with the case management orders and had not provided any documentation or evidence (beyond that which was contained in his ET1 which did not set out her unauthorised deduction from wages claim). The burden was on the claimant to prove her claim. The Tribunal does not have a duty, of its own motion, to investigate the case before it. There was no request for a postponement or an adjournment. Having regard to the overriding objective, I do not consider it fair or just to postpone the case of the Tribunal's own volition given the claimant's failure to comply with the case management order.
8. Although the respondent had not presented an ET3 there was some clarification from the claimant as to the correct name of the respondent, this could not be done today due to the claimant's non-attendance. In any event, as already explained, the claimant has not properly particularised her claim, nor did she comply with the case management order or attend the hearing.
9. In all the circumstances, the Tribunal decided to dismiss the claimant's claim for non-attendance pursuant to Rule 47 of the 2013 Rules.

Employment Judge Mellor  
15 June 2023

JUDGMENT SENT TO THE PARTIES ON  
22 June 2023

FOR THE TRIBUNAL OFFICE

Notes

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.