



EMPLOYMENT TRIBUNALS

Claimant: Ms A Currie

Respondent: Hilbre Care Ltd (in creditors' voluntary liquidation)

Heard at: Liverpool

On: 3 October 2023

Before: Employment Judge Horne

REPRESENTATION:

Claimant: Did not attend and was not represented

Respondent: Did not attend and was not represented

JUDGMENT

The claim is dismissed.

REASONS

1. Rule 47 of the Employment Tribunal Rules of Procedure 2013 provides:

“If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim... 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.”
2. The power in rule 47 must be exercised in accordance with the overriding objective in rule 2. The overriding objective is to deal with cases fairly and justly. This includes avoiding delay and acting proportionately.
3. In a case management order sent to the parties on 16 September 2021, the parties were informed that there would be a final hearing beginning on 3 October 2023. The parties were given the address of the hearing venue and informed that they were required to attend in person.
4. Neither party attended the hearing.

5. The respondent is in creditors' voluntary liquidation. Liquidators were appointed in September 2022 to wind up the company. The respondent's representatives came off record in March 2023.
6. The claimant does not appear to have made contact with the tribunal between 2021 and 3 October 2023. There is no telephone number for her on the tribunal's case record or on the paper file.
7. The tribunal clerk sent an e-mail to the claimant this morning. At 11.04am she replied, saying:

"Hello, I am so sorry I had a phone call to say that it wasn't being took any further due to Della McManus has retired and sold all her [businesses]"
8. I am satisfied that the tribunal has made all practicable enquiries about the reasons for the claimant's absence.
9. It appears that the claimant has given up. As it would appear to the claimant, there would be limited prospects of enforcing any judgment successfully against the company.
10. Dismissing this claim under rule 47 would be proportionate and helps to achieve the overriding objective.
11. The claim is therefore dismissed.

Employment Judge Horne
Date: 3 October 2023

SENT TO THE PARTIES ON
10 October 2023

FOR THE TRIBUNAL OFFICE