



EMPLOYMENT TRIBUNALS

Claimant: Miss Jasmin McEwen

Respondent: Global Hospitality Ltd

Heard at: London South in public by CVP **On:** 26 September 2023

Before: Employment Judge Tsamados

Representation

Claimant: Did not attend, was not represented

Respondent: Did not attend, was not represented

JUDGMENT

The Judgment of the Employment Tribunal is as follows:

The Claimant's claim and the Respondent's response are dismissed under Rule 47 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, the Claimant and the Respondent having not attended the hearing and provided no notification or reasons for their lack of attendance.

REASONS

- 1) The Claimant has brought a claim of entitlement to unpaid holiday, notice and arrears of pay against the Respondent for a period of time she was employed at The Corin. Whilst she also claims unfair dismissal, she does not have sufficient length of service to do so and failed to answer our letter of 21 March 2023 requiring her to show cause as to why that claim should not be struck out. Her claim form gives total figures she claims for unpaid wages and holiday pay.
- 2) The Respondent has defended the claim in essence stating that the Claimant worked 77 hours for which she was paid in full. The response form was completed by Mr James Farrer Fisher, who is a director of the Respondent limited company.
- 3) Neither party address the notice pay issue in the claim or response and neither party has complied with any of the Case Management Orders that

were sent to them with the notice of hearing. I have nothing further to go on then than the claim and response.

- 4) Under Rule 47 of the 2013 Rules, where 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.
- 5) Having considered the information available to me had having made practicable enquiries, by asking my clerk to email and telephone the parties and having received no response and having started the hearing at 3:08 pm with both parties still absent, I reached the conclusion that both the claim and response should be dismissed. Neither party provided any prior notification that they were unable to attend in any event.
- 6) It is for the claimant to prove her claim which requires more detail than provided and indeed for the respondent to give a greater explanation than the claimant is not owed any money. In the circumstances, it is not possible to proceed and would simply not be in accordance with the Tribunal's overriding objective and indeed disproportionate to proceed to hear her claims in the absence of the parties.

Employment Judge Tsamados
26 September 2023