



EMPLOYMENT TRIBUNALS

Claimant

Miss Morayo Aromolaran

V

Respondents

1. Berivan Beyaztas (“R1”)
2. Emma Minster (“R2”)
3. Office Holdings Ltd (“R3”)

Heard at: London Central (by video)

On: 25 October 2023

Before: Employment Judge P Klimov (sitting alone)

Representation:

For the Claimant: Not present or represented

For the Respondents: Mr M Fakier, Employee Relations specialist

JUDGMENT

The claimant’s claim is dismissed for non-attendance (Rule 47, Employment Tribunals Rules of Procedure 2013).

REASONS

1. On 8 September 2023, the Tribunal listed this claim for a case management preliminary hearing on 25 October 2023, starting at 2pm, and sent a notice of hearing to both parties.
2. On 13 October 2023, the claimant sent an email to the Tribunal asking about whether she needed to prepare any documentation for the hearing and whether she would be required to present her case at the hearing.
3. On 19 October 2023, the Tribunal replied to the claimant’s email confirming that the forthcoming hearing was a case management preliminary hearing by video and that the joining instruction would be sent by email in the afternoon before the hearing between approximately 4pm and 5:30pm. At the same

time, the Tribunal re-sent the notice of the hearing and a case management agenda for the claimant to fill in. The Tribunal also confirmed that if the claimant would be representing herself at the hearing she would be expected to talk about her case, and that she could have someone with her for moral support or appoint someone (legal or non-legal) to act as her representative at the hearing.

4. On 24 October 2023, at 13:04 the claimant emailed the Tribunal stating: "*After a lot of thought, I don't think I will be up to attending the hearing this week and would like to postpone as I am still recovering from being unwell and have not had much time to prepare for this Wednesday*".
5. Regional Employment Judge Freer refused the claimant's application. REJ Freer gave the following reasons for his decision: "*The hearing is a short case management discussion and the Claimant has not supplied any supporting medical evidence. It is not in accordance with the overriding objective for the hearing to be postponed. The case remains listed for hearing on 25 October 2023.*" The decision was sent to the claimant by email on 24 October 2023, at 15:41.
6. The joining instructions were emailed by the Tribunal to the parties on 24 October 2023 at 17:11.
7. The respondents' representatives joined the hearing. The claimant did not join the hearing.
8. The clerk tried to call the claimant several times but could not get through. The clerk told me that it appeared that either the claimant's phone was off, or the incoming calls were being rejected. It was not possible to leave a voice message.
9. At 14:05, the clerk emailed the claimant asking her to call the clerk if she was experiencing any problems connecting to the hearing. The claimant did not reply.
10. At 14:16, on my instructions, the clerk emailed the claimant with the following message: "*You have failed to log into the preliminary hearing of your case, listed for today, 25 October 2023, at 2pm. If you do not join the hearing on the link sent to you by the Tribunal by 2.20pm, the hearing will proceed in your absence and your claim may be dismissed and you may be ordered to pay the respondents' costs*". The claimant did not reply and did not join the hearing.
11. I waited until 14:25 before starting the hearing. I explained to the respondents' representatives that we were unable to locate the claimant and asked them if the claimant was in touch with the respondent. Mr Fakier said that the claimant had not contacted the respondent about the hearing or otherwise, and that they had not heard from the claimant.
12. I asked Mr Fakier if he wished to make any representations on behalf of the respondents as to how the hearing should proceed in the claimant's absence. Mr Fakier invited me to dismiss the claim under Rule 47 of the Employment

Tribunals Rules of Procedure 2013¹ for non-attendance. Mr Fakier submitted that the claimant clearly knew about the hearing for some time and there was no excuse for her to ignore the hearing.

13. First, I considered whether the hearing could proceed in the claimant's absence and decided against that. The claimant's claim required a great deal of clarification. In the absence of the claimant at the hearing and any written representations from her, it was not possible to clarify issues in the claim and give any case management directions to progress the case further.
14. I was satisfied that every reasonable attempt was made to make the claimant to join the hearing and to enquire about the reasons for her absence. The claimant did not provide any information as to the reasons for her non-attendance.
15. The claimant was informed that her request for a postponement had been refused and the reasons for that. She was told that the hearing would go ahead, as listed. She made no further application to postpone the hearing. There were no valid grounds for me to go behind the REJ Freer's decision and postpone the hearing.
16. The claimant knew that the hearing would be going ahead. She did not respond to the clerk's emails and attempted phone calls. The claimant was warned via email that the hearing would proceed in her absence and a judgment may be made against her. The claimant was given sufficient extra time to join the hearing. It did not appear that she made any attempts to do so.
17. Furthermore, the claimant ignored the Tribunal's directions (issued with the notice of the hearing) to fill in the agenda and send it to the Tribunal seven days before the hearing.
18. For all these reasons I decided that it would be in accordance with the overriding objective to exercise my powers under Rule 47 of the Employment Tribunals Rules of Procedure and dismiss the claimant's claim for non-attendance of the hearing.

Employment Judge P Klimov
25 October 2023

Sent to the parties on:

25/10/2023

¹ **47. Non-attendance**

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.

For the Tribunals Office

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