



EMPLOYMENT TRIBUNALS

Claimant: Ms M Abel
Respondent: CL Davies Leisure Limited
Heard at: Cardiff via CVP **On:** 30 October 2023
Before: Employment Judge Havard

Representation:
Claimant: No appearance;
Respondent: Mr Davies, Director.

JUDGMENT

1. The name of the Respondent is amended to CL Davies Leisure Limited.
2. The Claimant having failed to attend the hearing, it is the judgment of the Tribunal that this claim is dismissed in accordance with rule 47 of ETs (Constitution & Rules of Procedure) Regulations 2013.

REASONS

1. Mr Davies confirmed that he and Mrs Davies were directors of the Respondent and it was the Respondent company that employed the Claimant. I therefore amended the name of the Respondent to that of the company.
2. On 20 July 2023, the Tribunal wrote to the parties informing them of today's hearing date and issuing various directions with which the parties were required to comply in advance of the hearing.
3. The Claimant had failed to comply with the directions. For example, she had failed to provide a witness statement and a schedule of loss.
4. On 14 October 2023, the Claimant sent an email to the Tribunal. In that email, the Claimant referred to a claim for loss of earnings and holiday pay but did not include the amounts being claimed or the basis on which such claims were being made.

5. More particularly, the Claimant stated that she was due to go into hospital for surgery on her back. She attached to her email a letter from the Robert Jones and Agnes Hunt Orthopaedic Hospital which stated that she was due to attend an outpatient appointment on Friday 3 November 2023. However, she had provided no evidence to suggest that she was unable to attend the hearing which was listed to take place via video. The only other medical evidence was in the form of part of a letter dated 10 July 2023 from the hospital to the Claimant's GP regarding her back condition.
6. On the morning of 30 October 2023, the Respondents attended the hearing together with two of their witnesses. There was no attendance by, or on behalf of, the Claimant.
7. The Tribunal made contact with the Claimant by phone. The Claimant stated that she was unable to attend as she had an appointment with her GP regarding her back condition and ended the call abruptly. Attempts were made to contact the Claimant to ask her if she intended to provide a document from her GP confirming that she was unable to attend the hearing due to an appointment that she had to attend. All attempts were unsuccessful.
8. There was no evidence regarding the Claimant's medical condition other than the part of the letter of 10 July 2023 and a letter confirming that she was due to attend an outpatient appointment on 3 November 2023. In the absence of any medical evidence to confirm that the Claimant was unable to attend today's hearing, I decided that it was proportionate and consistent with the overriding objective to dismiss the claim.

Employment Judge Havard
Dated: 30 October 2023

ORDER SENT TO THE PARTIES ON 1 November 2023

FOR THE SECRETARY TO EMPLOYMENT TRIBUNALS Mr N Roche