



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms Silvana Lewin

V

Mr Craig Campbell – 1st

Martin Brookes Ltd – 2nd

FINAL HEARING

Heard at: Watford (in person)

On: 26 September 2023

Before: Employment Judge Bedeau

**Members: Mrs A Brosnan
Ms C Grant**

Appearances:

For the Claimant: Did not attend, nor represented

For the Respondents: Mr C Campbell, Director

JUDGMENT

All claims against the respondents are dismissed under rule 47 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

REASONS

1. The first respondent is the Director of the second respondent company which is an estate agency.
2. At the preliminary hearing held on the 13 June 2023, the claimant clarified her claim against the respondents as direct discrimination because of religion or belief. The case was set down for a final hearing on 26 and 27 September 2023, before a full tribunal. Case management orders were issued, of note, the first respondent was to serve a joint bundle of documents on the claimant by no later than 4.00pm 4 July 2023, and that the parties to exchange witness statements on or before 31 August 2023.
3. The respondents were only able to prepare their own small bundle of documents and witness statements. The claimant did not prepare a witness statement, nor were there any documents from her.

4. At 9.55am this morning the claimant did not arrive. The Tribunal instructed the Clerk to contact her on her mobile number. After several attempts, the calls went straight to her voicemail. There is no document on the file explaining her absence. Not only was she present at the Case Management Preliminary hearing when the case was listed for a final hearing, she was sent the follow up Case Management Orders with the dates of the hearing.
5. Mr Craig Campbell, Director, attended and applied for the case to be dismissed based on the claimant's absence without reason and her failure to comply with the orders of the Tribunal.

The law

6. Rule 47 states:

“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.”

Conclusion

7. The Tribunal were satisfied that the claimant had failed to progress her case to this final hearing. She had not engaged with Mr Campbell in preparing a final bundle of documents and had not made was witness statement. In addition, she failed to inform the Tribunal that she would not be attending the hearing.
8. Apart from the claim form and WhatsApp messages, there is nothing of much assistance to the claimant in support of her claim.
9. Having considered all the information before us, we have come to the conclusion that the claim against the respondents in these proceedings should be dismissed under rule 47.

Employment Judge Bedeau

26 September 2023

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Sent to the parties on:

7 November 2023

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For the Tribunal:

T Cadman

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