



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

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**Case No: 4100336/2023**

**Hearing held at Dundee on 27 November 2023**

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**Employment Judge McFatridge  
Tribunal Member EJ Hossack  
Tribunal Member P Fallow**

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**Mr G Vasile**

**Claimant  
Not present or  
represented**

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**Springfield Properties plc**

**Respondent  
Represented by:  
Ms Grant,  
Solicitor**

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**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The unanimous judgment of the Tribunal is that the claim is dismissed under  
30 Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure)  
Regulations 2013 Schedule 1.

**REASONS**

35 1. The claimant raised claims of unfair dismissal and race discrimination.  
The hearing was set down for five days in June 2023 and over those days  
E.T. Z4 (WR)

evidence was led from the claimant and from a witness called by the claimant. The case was then continued and was due to be heard for another five days starting on 27 November 2023. It was anticipated that evidence would be led on those days from the respondent's witnesses.

- 5 2. At around 1pm on 24 November, the Friday before the hearing was due to start, the claimant's representative contacted the Tribunal to advise that despite considerable efforts on his part he had had minimal to no contact with the claimant since the original hearing dates in June. He also advised that he had been told that the claimant was now in Romania. No  
10 application was made and the Employment Judge decided that the hearing should proceed on the Monday in order to ascertain the parties' positions.
3. At the time fixed for the hearing there was no appearance by the claimant. The respondent's representative was present with a number of witnesses.  
15 An interpreter was also present having been booked by the Tribunal Service at public expense.
4. The claimant's former representative Mr Lafferty attended. He advised that he did not know where Mr Vasile was and understood that Mr Vasile was probably in Romania and would not be returning to Scotland. He  
20 advised that he had been told by a third party that the claimant's wife was ill. Mr Lafferty indicated that he had made extensive efforts to contact the claimant on various occasions since June. He had written to the claimant giving certain advice and asked the claimant to attend at his office with an interpreter to discuss matters. The claimant had not done so. He had  
25 attempted to contact the claimant by telephone on numerous occasions. He understood from a third party that the telephone number he had for the claimant was the correct one but the claimant did not answer his calls. He indicated that he had attended at the claimant's home address on three occasions but there was no answer. He did not know whether the claimant  
30 was still there or not. He had spoken to Mr Douglas who had been advised that the claimant was in Romania and that the claimant's wife was ill. He stressed however that all the information he had came from third parties. In the circumstances he indicated that he was withdrawing from acting. The Tribunal confirmed that they accepted this withdrawal.

5. The Employment Judge enquired of the respondent's representative what action she wished to take in terms of Rule 47. She confirmed that in the circumstances she was applying for the claim to be dismissed. Given the circumstances it appeared clear to the Tribunal that this was the appropriate course of action. The claimant clearly knew about the hearing, he had clearly decided not to be present nor to provide his solicitor with proper instructions. The Tribunal advised the parties present that the claim would be dismissed. The respondent's representative indicated that she wished to make an application for expenses. The Employment Judge indicated to her that this was noted and that she would be allowed a period of 14 days to provide further details of her expenses claim. This should be intimated to the claimant at his last known address and also at any address in Romania which the respondents have for him. It will then be considered by the Tribunal in Chambers together with any written representations which the claimant may wish to make following the respondent's written application.

**Employment Judge: I McFatridge**  
**Date of Judgment: 29 November 2023**  
**Date sent to parties: 01 December 2023**