



EMPLOYMENT TRIBUNALS

Claimant: Mis A O Solomonean

Respondent: Tesco Natalie Horne (1)
Tesco Sophie Louise Petley-Jones (2)

Heard at: London South in public, by CVP **On:** 19 January 2024

Before: Employment Judge Tsamados (sitting alone)

Representation:

Claimant: did not attend, was not represented
Respondent: Ms S Paton, Solicitor

JUDGMENT

The Judgment of the Employment Tribunal is as follows:

The claim is dismissed under Rule 47 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013.

REASONS

1. The claim was listed for a preliminary hearing on case management commencing at 10 am today. Unfortunately, due to lack of judicial resources it was not allocated to an Employment Judge. The parties were informed that should a Judge become available later today, they would be notified of the revised hearing start time.
2. I became available to conduct the hearing and the parties were advised that it would commence at 12 noon.
3. By 12 noon only Ms Paton was present in the CVP video hearing room. My

clerk telephoned the claimant shortly after 12 noon on the telephone number she had provided. This was answered by a woman who on being told of the hearing responded, "I have no hearing", "I have no claim". In the circumstances, I asked my clerk to email the claimant on her email address provided to clarify the position. I directed her to write to the claimant cc the respondent as follows:

"Employment Judge Tsamados has asked me to write to you as follows:

There is a case management hearing for your claim today. It was originally scheduled for 10 am but as there was no judge available at the time it was put back to 12 noon so that I could deal with it. You were not in the video hearing room at 12 noon. My clerk has just phoned you on the number you gave and the person who answered the phone, who we assume was you, said that you do not have a hearing, you have no claim. I am writing to you to confirm that you are not attending. In the circumstances, if you do not attend then one of the options I have is to dismiss your claim, particularly if it was you on the phone who said I have no claim. Please can you respond straight away confirming the position. I will be starting the hearing at 12.35 pm."

4. I commenced the hearing at 12.39 pm. Only Ms Paton was present and we had received no reply from the claimant.
5. Under Rule 47 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, 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.
6. Today's hearing was intended to clarify the claims and issues and make any further case management orders. In her absence it is not possible to take the matter any further forward. There were a number of important issues that needed to be clarified by the claimant. She has failed to attend and gave no prior warning that she was unable to do so. She answered her telephone using words from which it could be implied that she was not going to attend. She failed to respond to an email seeking confirmation of this and warning her of the possibility that her claim could be dismissed if she did not attend. The email indicated that the hearing would start at 12.35 pm. She did not attend by that time.
7. In the circumstances, I have decided that it is appropriate to dismiss the claim.

Employment Judge Tsamados
19 January 2024

JUDGMENT SENT TO THE PARTIES ON
24 January 2024

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FOR THE TRIBUNAL OFFICE