



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4106292/2023

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Held in Edinburgh by CVP on 10 January 2024

Employment Judge Murphy

Ms E Bojula

**Claimant
In person**

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UK Cleaning Contracts Ltd

**Respondent
Represented by
Mr M Phillips**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is that all claims brought under claim number 4106292/2023 are dismissed pursuant to Rule 47 of the Employment Tribunal Rules 2013.

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REASONS

1. The claimant entered a claim for unauthorised deductions from wages. The respondent entered a response, disputing her claim. A final hearing was fixed for 10 January 2024 at the Edinburgh Tribunal to proceed by videoconferencing at 11 am.

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2. At 11 am, the claimant failed to attend or be represented at the hearing. The Clerk attempted to telephone her but advised that her phone went straight to answer phone. I advised Mr Phillips that I would delay the start of the hearing until 11:20 in case the claimant tried to connect or respond to the Clerk in that period. She did neither. At 11: 20 the hearing commenced in the claimant's absence. I explained to Mr Phillips the claimant's lack of attendance and her lack of contact with the Clerk. I read to Mr Phillips the terms of Rule 47 of the

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Employment Tribunal Rules 2013. Mr Phillips confirmed he sought dismissal of the claim under that provision. He referred to the claimant's noncompliance with an Order dated 13 November 2023 despite reminders on two separate occasions from the Employment Tribunal (on 30 November and 20 December 2023), the latter of which had referred to the risk of a strike out. Mr Phillips said there had been no update and no new information from the claimant. He noted the claim was disputed and referred to evidence he had sent to the Tribunal in support of the respondent's position.

3. I dismissed the claim orally pursuant to Mr Phillips' application under Rule 47. The claimant had been ordered by EJ Hoey on 13 November to provide a written statement with information and supporting documentation regarding the remedy she sought. She was ordered to do so by 27 November 2023. From what I could ascertain from the digital case file, she had failed to do so and had persisted in this failure notwithstanding the Tribunal's subsequent reminders on 30 November and 20 December 2023. There was no evidence of any contact with the Tribunal of any nature and, when the hearing had reconvened at 11.20, the Clerk confirmed that the claimant had not responded to his call that morning at around 11:05 whether by call or text or otherwise.
4. I took all relevant circumstances into account. Based on the circumstances known to me, having made such enquiries as were practicable, it did not appear that the claimant wished to actively pursue her complaints or alternatively that she had unreasonably failure to do so. In this regard I noted not only the claimant's failure to attend the hearing but also her failure to comply with the Tribunal's Order dated 13 November 2023 and to respond to subsequent reminders. I further noted her lack of engagement by the Clerk in response to the Clerk's contact that morning.
5. Having given my judgment orally, I was concluding the hearing when at 11:30 am, the claimant connected to the hearing. I asked her why she was 30 minutes late and she said that she had had difficulty connecting. She said she had called a helpline and had managed to join after doing so. I explained to her the decision I had made to dismiss the claim in her absence and my reasons for doing so. I asked her if she had anything to say or ask in that

regard. The claimant said she wanted to 'leave it like that'. I explained again the effect of the dismissal judgment and that this meant that her claim was at an end and would not be decided by a Tribunal at a final hearing and asked again if the claimant had anything to say. She repeated that she wanted to leave it like that.

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6. In the absence of any application by the claimant to reconsider the dismissal decision, the decision to dismiss the claim under Rule 47 stands and the claim is dismissed for the reasons set out above.

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L Murphy

Employment Judge Murphy10 January 2024

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Date of Judgment**Date sent to parties**10/01/2024
