



EMPLOYMENT TRIBUNALS

Claimant: Miss S A Marston

Respondent: GeoAmey PECS UK Ltd

Heard at: Liverpool **On:** 22 May 2024

Before: Employment Judge Horne

Representatives

For the claimant: did not appear and was not represented

For the respondent: Mr Z Malik, solicitor

JUDGMENT

The claim is dismissed.

REASONS

1. Rule 47 of the Employment Tribunal Rules of Procedure 2013 provides that where a party does not attend or be represented at the hearing, the tribunal may dismiss the claim. Before doing so, the tribunal must consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.
2. When deciding whether or not to dismiss a claim under rule 47, the tribunal must try to achieve the overriding objective. This means deciding the case fairly. It also means dealing with cases proportionately and avoiding delay where practicable.
3. The claimant has presented complaints which require clarification. She has also applied to amend her claim, but the proposed amendment is also unclear. Previous orders of the tribunal have required the claimant to provide further information in writing, but she has not done so.
4. By a notice dated 9 November 2023, the parties were informed that there would be a final hearing on 22 May 2024 at 10.00am. That hearing was subsequently converted to a preliminary hearing in public, to take place on the same date. The parties were informed on 17 April 2024 that one of the possible consequences of the hearing might be that parts of the claim might be struck out. The respondent applied on 2 May 2024 for the entire claim to be struck out, following which the

tribunal notified the parties by e-mail that the time allocation for the hearing had been extended to three hours.

5. The claimant did not attend today's hearing.
6. At 9.02am the claimant e-mailed the tribunal, providing a reason for her non-attendance. It is unnecessary to set out that reason here.
7. At 10.07am the tribunal clerk telephoned the claimant in order to discuss how the claimant's reason for non-attendance might be overcome and whether it would make any difference if the tribunal made adjustments to the hearing. The call went straight to voicemail.
8. The claimant has had a fair opportunity to make representations.
9. The tribunal considered alternatives to dismissing the claim. One of these was to give the claimant a further opportunity to make representations in writing. It did not seem likely that this would help to achieve the overriding objective. The claimant has been ordered to provide information in writing in the past and has not done so. Postponing the hearing would increase the overall delay, with no real prospect that the claimant will engage in the future.
10. The overriding objective is therefore best achieved by dismissing the claim.

Employment Judge Horne

22 May 2024

SENT TO THE PARTIES ON

5 June 2024

FOR THE TRIBUNAL OFFICE

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>