



# EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case Number: 8000393/2024

Hearing held by video in Glasgow at 1100 on 17 June 2024

Employment Judge M Whitcombe

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**Mr B McBride**

**Claimant**  
**Did not attend**

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**Valve Components Limited (in Administration)**

**Respondent**  
**Did not attend**

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## JUDGMENT

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The claim for notice pay as damages for breach of contract is dismissed under rule 47 because the claimant failed to attend the hearing and there was no explanation for that failure.

## REASONS

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1. This is a claim for notice pay as damages for breach of contract. The claimant has the burden of proof. The respondent is in administration. The administrator has given consent to the bringing and continuation of these

proceedings. However, the respondent has not filed a response and the claim is not defended on its merits.

2. The administrator also indicated in correspondence that form RP1 had been completed in respect of claims by all employees for redundancy payments, arrears of wages, holiday pay and notice pay. In fact, form RP2 would be the correct form for a case such as this where the claimant seeks only notice pay, but that may have been done too or that may be what the administrator meant. Either way, I would have asked the claimant whether he had received any sums from the state in respect of unpaid notice pay.
3. Against that background, neither party attended the hearing today. There was no application on file for a postponement, nor was there any other reason on file to explain why the claimant was not present. As far as the clerk was aware, the claimant had not contacted the Tribunal to raise any problem. In accordance with normal practice, the Tribunal clerk attempted to contact the claimant, but without success.
4. I waited until 1115, fifteen minutes after the scheduled start time, before issuing this judgment. At that point I decided that there was no obvious reason for the claimant's failure to attend and that it was not possible to proceed with the case in his absence. Therefore, I dismissed the claim under rule 47 of the ET Rules of Procedure. If I had proceeded with the case then the result would have been the same, since the claimant had the burden of proof and gave no evidence in support of the claim.

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**Employment Judge: M Whitcombe**  
**Date of Judgment: 17 June 2024**  
**Entered in register: 18 June 2024**  
**and copied to parties**

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