



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8000545/2024

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Held in Dundee on 1 August 2024

Employment Judge M Sutherland

Ms H Chantler

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**Claimant
No appearance and
No representation**

Bob & Berts Perth Limited

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**Respondent
Represented by:
Ms K Graham -
HR**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Tribunal is that the claim is dismissed under Rule 47 of the
20 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 for
failure to attend or be represented at the case management hearing.

REASONS

1. The claimant had presented complaints of disability discrimination, failure to
provide rest breaks and unfair dismissal. A Case Management Hearing was
25 listed for today at 10am by video to discuss further procedure.
2. On 1 May 2024 the claimant was advised of the need to attend a Case
Management Preliminary Hearing ('CMPH') on 1 August 2024 to determine
further procedure. The claimant was advised of the requirement to complete
an agenda but failed to do so. On 3 June the claimant was ordered to specify
30 her complaints by 17 June. A reminder was issued on 17 July. On 23 July the
claimant replied advising that she was making complaints for failure to give
proper breaks; disability discrimination because of her mental health; and
dismissal for bringing up health and safety concerns. On 26 July the tribunal

reminded parties of the CMPH hearing on 1 August. A further reminder was sent on 31 July.

3. The CMPH was due to commence at 10am but the claimant was not in attendance and had not made an application to postpone. The start of the hearing was delayed by 20 minutes to enable the clerk to attempt to make contact with the claimant. Attempts were made both by telephone and by email but there was no contact or response from the claimant.

4. The hearing then proceeded in the claimant's absence with a view to obtaining any relevant information from the respondent. The respondent was unable to provide any information regarding the claimant's non-attendance.

Relevant law

5. Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("ET Rules") provides that if a party fails to attend or 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, the Tribunal shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.

Discussion and decision

6. Considering the information available I noted that: the claim is wholly lacking in specification (detail of the complaints); the Claimant had not provided the agenda as requested which may have provided that detail; the further information subsequently provided was very limited and the complaints remain wholly lacking in specification; the Claimant was advised on multiple occasions of the date of today's hearing and had not advised of any difficulty in attending or made any application to postpone; the Tribunal tried to contact the claimant on the morning of the hearing by telephone and by email without success; and the Claimant made no contact with the Tribunal on the day of the hearing.

7. The claimant makes the following complaints: not being given proper breaks; being discriminated because of her mental health; being dismissed because

she brought up health and safety concerns. The complaints are wholly lacking specification and it was not possible to engage in meaningful case management without the claimant's attendance. The claimant advises being disabled by reason of mental illness and learning difficulties but gave no other details. The claimant engaged in correspondence with the tribunal and on the basis of the information currently available it is not possible to infer that any such difficulties impacted on her ability to attend or to seek a postponement.

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8. Taking into account the overriding objective within the ET Rules, and all the information available to me, it is considered fair and just in the circumstances of this case that the claim be dismissed in its entirety.

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9. The claimant has a right to seek a reconsideration of this decision in the interests of justice under rules 70 and 71 of the ET Rules within 14 days of the issue of this judgment to parties. However, such a reconsideration would be subject to the claimant giving proper explanation to the Tribunal for her failure to either attend or to seek a postponement of today's hearing.

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Employment Judge: M Sutherland
Date of Judgment: 01 August 2024
Entered in register: 02 August 2024
and copied to parties

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