



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Wright

Respondent: Nigel Fletcher

Heard at: Newcastle CFCTC **On:** 5 September 2024

Before: Employment Judge Newburn

Representation

Claimant: Not in attendance

Respondent: Not in attendance

JUDGMENT

1. The Claimant's claims for unfair dismissal, redundancy payment and breach of contract (for notice pay, holiday pay and other payments) are dismissed under Rule 47.

REASONS

1. On 15 May 2024, the initial Notice of Hearing was sent to the parties which included Case Management Orders. This was sent to the Claimant using the email address noted on the Claimant's claim form.
2. The Respondent did not respond to the claim.
3. On 17 June 2024, a letter was sent to the Claimant's email confirming a Rule 21 judgment was not appropriate. The letter reminded the Claimant to comply with the Case management Orders set out in the 15 May 2024 letter. The letter also confirmed the hearing would go ahead on 5 September 2024 but would be reduced to 3 hours in length.
4. On 21 June 2024, the Claimant responded to the Tribunal's email using the same email address noted in her claim form. The Claimant was seeking advice on the next stage of her claim.

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5. On 24 June 2024, the Tribunal responded to the Claimant's email confirming she should comply with the Case Management Orders set out in the letter of 15 May 2024.
6. On 4 September 2024, the Tribunal sent an email to the Claimant's email address confirming the details for the hearing on 5 September 2024 and explaining how she was to access the video hearing. The letter confirmed the hearing start time was 10:00am.
7. At 10:00am on 5 September 2024, the Claimant did not attend the hearing. The Tribunal attempted to contact the Claimant several times on her telephone however she did not answer the call and there was no way of leaving a message.
8. The Tribunal waited until 10:40am, during which time the Tribunal had made several telephone calls to the Claimant and did not receive any response from the Claimant.
9. The Claimant had not informed the Tribunal that she was either unable or unwilling to participate in the hearing.
10. Rule 47 to Schedule 1 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 states:
'If 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 enquires that may be practicable, about the reasons for the party's absence.'
11. The Tribunal had attempted, unsuccessfully, to contact the Claimant. I reviewed the history of correspondence between the Tribunal and the Claimant. I was satisfied that the file demonstrated the Claimant had received notice of the hearing, it had been sent to the correct email address, and she was therefore aware of the hearing time and date. I noted the Case Management Orders had not been complied with, despite the Claimant having been reminded to do so on two occasions since they had been sent in May.
12. Considering all the circumstances as I found them, I dismissed all claims against the Respondent under Rule 47.

Employment Judge Newburn

Date 5 September 2024

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Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified

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by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

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