



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss Xiaoxian Zhan  
**Respondent:** Groupme Ltd  
**Heard at:** East London Hearing Centre  
**On:** 24 October 2024 (By Cloud Video Platform)  
**Before:** Employment Judge B Beyzade

## Representation

**Claimant:** Not present or represented  
**Respondent:** Not present or represented

# JUDGMENT

## The Judgment of the Tribunal is that:

- 1) The claimant and the respondent being neither present nor represented during the Final Hearing listed at 10.00am on 24 October 2024 at the East London Hearing Centre by Cloud Video Platform and at a point in excess of 60 minutes after the time set for the Final Hearing, on the Clerk to the Tribunal having contacted the claimant by telephone at 10.28am and 10.36am respectively on 24 October 2024, on the Tribunal not being furnished with a contact telephone number for the respondent, and on the claimant and the respondent not having responded to email correspondence sent by the Clerk to the Tribunal at 10.43am on 24 October 2024, and the claimant and the respondent not having otherwise communicated with the Tribunal in relation to their non attendance at the Final Hearing thereafter during the course of the hearing; on the claimant's non-attendance; on the respondent's non attendance; and on the Tribunal's own initiative, and having considered the content of the Tribunal file, the Tribunal dismisses the claimant's claim in terms of Rule of Procedure 47 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

# REASONS

## Summary of claim and procedure to date

1. The claimant lodged a claim on 10 May 2024 ticking the relevant boxes at section 8.1 of the ET1 Form indicating that the claimant was bringing complaints relating to arrears of pay, other payments and that the claimant was “making another type of claim which the Employment Tribunal can deal with.” The claimant indicated in the free text box beneath that they were claiming “UI design fee”, to which the respondent entered a Response resisting the claim.
2. Notice of the Final Hearing by Cloud Video Platform (“CVP”) was sent to the parties on 23 July 2024 together with joining instructions.
3. An Amended Notice of the Final Hearing by CVP was sent to the parties on 08 October 2024 together with joining instructions, extending the listing of the Final Hearing to 1 day and advising parties that the Final Hearing would take place at 10.00am on 24 October 2024.

## Final Hearing on 15 April 2024

4. The case called for Final Hearing at East London Hearing Centre by CVP on 24 October 2024 at 10.00am. The Tribunal sat at 10.10am.
5. There was no appearance for or on behalf of the claimant.
6. The respondent did not attend the hearing and they were not represented.
7. The respondent presented a Response to the claimant’s claim on 26 June 2024.
8. The case file records that Amended Notice of the date and time set down for Hearing was sent to the claimant and the respondent on 08 October 2024 at the correspondence address provided by them to the Employment Tribunal for the purposes of receiving such communications. No return of the Notice of Hearing issued to the claimant, or the respondent has been received by the Tribunal.
9. The claimant did not provide any additional information or documents relating to the claimant’s claim or communicate that they will not be attending the hearing (and the claimant did not give any reasons in respect thereof).
10. On the sitting Judge’s directions, the Clerk to the Tribunal checked and confirmed that neither the claimant nor the respondent had contacted the Tribunal in connection with the Hearing since correspondence was sent to parties by the Tribunal on 08 October 2024.
11. On the sitting Judge’s direction, the Clerk to the Tribunal attempted to communicate with the claimant and the respondent.
12. The claimant was contacted by the Clerk to the Tribunal by telephone at 10.28am and 10.36am on 24 October 2024. The Clerk to the Tribunal advised that there was

no reply on both occasions. The Tribunal were not furnished with a contact telephone number for the respondent. A letter was sent by email to the claimant and the respondent at 10.43am advising that today's hearing was due to start at 10.00am, the claimant and the respondent had not attended the hearing, and the claimant and the respondent were advised that if they failed to attend the hearing by 11.00am, the hearing would proceed in their absence and the claim may be dismissed. The Clerk to the Tribunal advised the Employment Judge when the hearing had reconvened that the claimant and the respondent did not reply to that email.

13. The Tribunal having sat at 10.10am and then adjourned briefly at 10.27am and sat again at 11.00am to afford the claimant and the respondent the opportunity to attend (though late) or to communicate with the Tribunal regarding their non-attendance.
14. Accordingly, after a brief adjournment, the Tribunal reconvened at 11.00am.

### **Dismissal of claim pursuant to Rule 47 of the Employment Tribunal Rules**

15. At around 11.04am and in light of the claimant's and the respondent's unexplained nonattendances and in the absence of a good reason (which was satisfactory to the Tribunal), and on the Tribunal's own initiative, the Tribunal dismissed the claimant's claim in terms of Rule 47 of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 ("the ET Rules"). Rule 47 of the ET Rules provides:

"47. 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 enquiries that may be practicable, about the reasons for the party's absence."

16. I considered the nature of the claimant's complaints, the issues that the Tribunal were required to investigate and determine (insofar as they were possible to ascertain from the pleadings), and the content of the Claim Form and the Response. I considered the documents and correspondences on the Tribunal file. I was satisfied that the claimant and the respondent had been afforded ample opportunity to attend the Final Hearing and they had both failed to attend the Hearing on 24 October 2024. I took into account the Tribunal's overriding objective (Rule 2 of the ET Rules).
17. I consider that the claimant's non-attendance is capable of being explained by the claimant having decided not to pursue their claim. That explanation is consistent with the claimant's apparent failure to communicate with the Tribunal.
18. No satisfactory explanation has been put forward explaining why the claimant or the respondent had not attended the hearing on 24 October 2024.
19. I am satisfied that the Tribunal had made all enquiries that may be practicable about the reasons for the claimant's and the respondent's absences.
20. The claimant and the respondent did not attend today's hearing and Rule 47 of the ET Rules specifically deals with non-attendance at a hearing. I considered that the claim could not be heard in the absence of the claimant, and that the claimant was

required to provide further details and evidence in relation to the claimant's substantive claim.

21. In my judgment, it was not appropriate to hear the claimant's claim in the claimant's absence given the nature of the claim and the issues before the Tribunal. I therefore dismissed the claimant's claim. Prior to dismissing the claim, I considered and gave full effect to the Tribunal's overriding objective (Rule 2 of the ET Rules) and I took account of any information that was available to me. Dismissing this claim under Rule 47 of the ET Rules is proportionate and in accordance with the Tribunal's overriding objective in all the circumstances.

**Employment Judge Beyzade  
24 October 2024**