



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms M Haggis

**Respondent:** Barry Nunn

**HELD AT:** Reading ET (via video) VR      **ON:** 05/12/24

**BEFORE:** Employment Judge Shergill (sitting alone)

**REPRESENTATION:**

**Claimant:** Did not attend

**Respondent:** Did not attend

## JUDGMENT

The judgment of the Tribunal is that:

1. The claim is dismissed under rule 47 of the Employment Tribunal rules of procedure, the claimant not having attended the final hearing.

## REASONS

2. The claimant claimed she was owed money from the respondent for '*arrears of wages, unlawful deductions, balance of below minimum wages*'. There was no calculation of how much was owed. There were no documents to support the claim that she was entitled to be paid this money e.g. contract, correspondence, payslips etc.

3. The parties had been duly notified on 28/08/24 that the hearing was listed for today at 14h. No one attended for either party. The clerk was directed to ring the claimant, and an email was also sent to her. There was no attendance by 3.15pm. I decided to proceed in her absence.

4. There was a question about whether the correct respondent had been identified but it was now an ancillary point. There was a potential respondent's counterclaim but as there was no further detail about that, it is a moot point.

5. Neither party attended the case management hearing, which was arranged to take place virtually. I am satisfied the parties were duly notified. I was satisfied that practicable enquiries had been made to contact the claimant under Rule 47. There

were no reasons for the claimant's absence, no ongoing correspondence from her and there is limited evidence on which to make a reasoned substantive judgment to allow the claim. The burden is on a claimant to prove their claim. I only have vague assertions, and the claimant failed to comply with the direction to fill in the agenda for today's hearing as well (which may have fleshed out the claims).

6. I had considered whether to strike the case out under Rule 37(1)(c) for non-compliance. However, it was more appropriate to dismiss the claim under Rule 47 because the claimant had failed to attend. I weighed up the overriding objective to deal with cases fairly and justly. It was disproportionate to adjourn the case of the tribunal's own powers for the claimant to be given further time, or for an unless order to be made instead. As the claimant had not explained her absence, I proceeded to dismiss the claim for non-attendance.

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Employment Judge Shergill

05/12/24

JUDGMENT SENT TO THE PARTIES ON

4 January 2025

T Cadman  
FOR THE TRIBUNAL OFFICE

Notes

1. Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.
2. Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.