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EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4100006/2025

Held in Glasgow on 25 February 2025

Employment Judge E Mannion

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Mr J Savage

**Claimant
Not present**

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Akela Construction Limited

**Respondent
Represented by :
A Scott,
Solicitor**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Tribunal is that the claim is dismissed under Rule 47 of the Employment Tribunal Procedure Rules 2024.

Reasons

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1. A preliminary hearing to consider time bar was scheduled to take place on 25 February 2025 at 10am at the Glasgow Tribunal Centre.
2. A notice of hearing was sent to the parties on 5 February 2025.
3. The claimant was representing himself. The respondent was represented by BTO Solicitors LLP.

4. On 24 February 2025, the claimant emailed the Tribunal administration advising that he was unable to attend the hearing the following day due to his poor mental health, advising that he was not fit enough to attend the hearing. The email did not include any medical evidence from the claimant's GP.
5. At the outset of the hearing, Miss Scott made an application to have the case dismissed due to the non-attendance of the claimant under Rule 47 of The Employment Tribunal Procedure Rules 2024 ("the ET Rules").
6. Having considered the submission by Miss Scott and the email from the claimant, I decided to dismiss the claim under Rule 47 of the ET Rules. I noted the reasons for the claimant's non-attendance being health related, albeit in the absence of medical evidence, but considered that the hearing could not proceed in his absence. The purpose of the hearing was to consider whether it was reasonably practicable for the claimant to raise his claim within the three month time limit and if not, whether he raised it in a further reasonable period. This required evidence from the claimant. In the absence of the claimant, the hearing could not proceed. In considering the overriding objective of the ET Rules as well as Rule 47, it was appropriate to dismiss the claim due to the claimant's non-attendance.
7. It is open to the claimant to seek a reconsideration of this dismissal judgment if he believes it is in the interests of justice to do so. If the claimant wishes to make this application, he should write to the Tribunal setting out why a reconsideration is necessary within 14 days of the date of this judgment. One of the outcomes of a reconsideration application is the revocation of, or overturning of, this dismissal judgment which would allow the case to proceed and for a new hearing on time bar to be scheduled.