



EMPLOYMENT TRIBUNALS

Claimant:

Miss M Pilitowska

v

Respondent:

Surya Hotels

Heard at: Reading (by CVP)

On: 13 February 2025

Before: Employment Judge Hawksworth

Appearances

For the claimant: No attendance or representation

For the respondent: Ms J Bradbury (counsel)

JUDGMENT

Employment Tribunals Procedure Rules 2024 – rule 47

The claimant's claim is dismissed under rule 47 following the claimant's non-attendance at the hearing today.

REASONS

1. The claimant did not attend the hearing today and has not been in touch with the tribunal or the respondent for some months.
2. The chronology is as follows:
 - 2.1 The claimant says she was employed by the respondent from 1 March 2023 to 25 September 2023 as a chef.
 - 2.2 She notified Acas for early conciliation on 24 October 2023 and a certificate was issued on 5 December 2023.
 - 2.3 The claimant presented her claim on 9 August 2024. (That was over 8 months after the Acas early conciliation certificate was issued and gave rise to a question about whether the claim was presented within the time limit.)
3. The claimant said in box 8 of her claim form that she is bringing complaints of unfair dismissal, race discrimination and whistleblowing dismissal or detriment.

4. The details of the claim given by the claimant in box 8.2 of the claim form are very short (3 lines). On 26 October 2024 the tribunal asked the claimant to provide further details of her complaints of discrimination and whistleblowing. The claimant has not replied to that request.
5. Also on 26 October 2024 the tribunal notified the parties of the date of this hearing.
6. The respondent has not heard from the claimant since October 2024 when she was in touch with them about an unrelated matter. The tribunal has not received any correspondence from the claimant since she submitted her claim.
7. The hearing today was a video hearing starting at 2.00pm. When the claimant did not attend, the clerk to the hearing called the claimant's mobile number twice. It was not answered. There was no opportunity to leave a voicemail. There was no message from the claimant in the tribunal's email inbox. The clerk emailed the claimant but she did not reply.
8. By 2.10pm the claimant had not joined the hearing. The hearing started.
9. I decided that the claim should be dismissed under rule 47 which applies when a party does not attend a hearing. I took into account:
 - 9.1 The claimant was made aware of the hearing and failed to attend or explain why she was not attending. It may be that she has decided not to pursue her claim;
 - 9.2 The claimant has not complied with a request to provide more information;
 - 9.3 The claimant's failure to respond to the request and attend the tribunal today has a significant impact. The claim cannot be progressed without further information from the claimant because the claim is not at present sufficiently clear. The parties are unable to start their preparations for a full hearing until this is done. Re-arranging the hearing today would lead to a significant delay, and there is no indication that the claimant would attend another hearing.
10. Dismissal of the claim in these circumstances is a draconian sanction. It brings the claim to an end without the claimant being able to present her evidence and have it fully heard. I considered whether a lesser sanction would be appropriate. However I decided, given the wholesale lack of contact from the claimant and her failure to attend today to enable the claim to be progressed, that the claim should be dismissed.
11. This judgment brings the claim to an end. My decision can be reconsidered if there is a good reason why Miss Pilitowska was unable to attend today. If she wants to ask me to reconsider, Miss Pilitowska must write to the tribunal and the respondent, explaining why she did not attend today and why she did not let the tribunal know that she was unable to attend. She must provide evidence to show why she was unable to attend. I will not be able to consider

any application for reconsideration which has not been copied to the respondent, because that is a requirement of the tribunal rules.

12. The time limit for making an application for reconsideration is 14 days from the date on which this judgment is sent to the parties.

**Approved by:
Employment Judge Hawksworth**

Date: 13 February 2025

Sent to the parties on: 6 March 2025

For the Tribunal Office

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>