



EMPLOYMENT TRIBUNALS

Claimant: Miss A St. Ange

Respondent: Lookers Plc

AT A PUBLIC PRELIMINARY HEARING

Heard at: Leeds **On:** 19th December 2024
Before: Employment Judge Lancaster

Representation

Claimant: Did not attend
Respondent: Ms R Thomas. counsel

Rule 47 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

JUDGMENT

The claim is dismissed.

REASONS

1. I have been able to ascertain that the Claimant has been in communication with the Respondent's solicitors as recently as 17th December 2024, when she acknowledged receipt of a hard copy of the file of documents for today's hearing.
2. The Claimant had not, however, attended as she was directed to do at least 15 minutes before the start of this 10 O'clock hearing. Nor had she made any contact with the tribunal.
3. After adjourning the case until 10.30 am I also ascertained that up to that point the Claimant had not responded to an email this morning from the Respondent's solicitors regarding her non-attendance today. The only contact details that the tribunal has for the Claimant are her email address, so that there was no reasonable prospect of making contact with her.
4. This is now the second occasion that the Claimant has failed to attend a hearing. Whilst I appreciate that her personal situation may well be difficult, this is not acceptable and is not fair to the Respondent.

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5. I have taken into account that the Claimant, despite a tribunal letter dated 4th December 2024 warning her of the possible consequences of continued non-compliance, has still not done what was ordered by Employment Judge Miller on 28th August 2024 and which should have been completed by 6th November 2024. That is, I would have had no witness statement or documents from the Claimant dealing with the preliminary issues to be decided today, namely the fact that the claim is admittedly considerably out of time and that it is potentially liable to be struck out or made the subject of a deposit order because it has no or little reasonable prospect of success.
6. After the claim had already been dismissed at 10.35 I have been informed that the Claimant has now replied to the Respondent's solicitors claiming that she believed the case was to be heard by video and was awaiting a link to join the conference.
7. Within The Case Management Order of Employment Judge Miler at the last preliminary hearing (which the Claimant also did not attend) and in the Notice of Hearing – both of which were sent to the Claimant on 5th September 2024 – it is, however, perfectly clear that this was to be an attended hearing at the Leeds Employment Tribunal. Also, Judge Miller's Order expressly referenced the fact that the re-arranged hearing was to be in person because the Claimant had in fact stated on her ET1 form that she was unable to participate by video. She was therefore invited to apply within 14 days to convert to a video hearing if her situation had changed and that was what she now wanted: she has never done this. The case has always, therefore been listed as an attended hearing.

EMPLOYMENT JUDGE LANCASTER

DATE 19th December 2024

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Recording and Transcription

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