



EMPLOYMENT TRIBUNALS

Heard at: London South **On:** 21 January 2025

Claimant: Miss E Khorozyan

Respondent: Brent Property Ltd

Before: Employment Judge Ramsden

Representation:

Claimant Non-attending

Respondent Ms R Sharma, Director

JUDGMENT

1. The Claimant's claim is dismissed pursuant to Rule 47 of the Employment Tribunal Procedure Rules 2024.

REASONS

Background

2. The Claimant was employed by the Respondent, a real estate agency, as a Trainee Sales and Lettings Negotiator, from 17 March 2023 until 17 October 2023.
3. Early conciliation started on 22 November 2023 and ended on 24 November 2023. The claim form was presented on 19 December 2023.
4. Today's hearing, listed on 7 May 2024, was to take place via video and was to case manage the Claimant's case:
 - a) Specifying clearly the complaints she is making;
 - b) Identifying those issues that are not and those which are points of dispute between the parties; and

- c) Making Orders for steps to be taken in preparation for the Final Hearing.
5. In anticipation of this hearing:
 - a) The Tribunal sent the parties, on 7 May 2024, a Case Management Hearing agenda template to complete; and
 - b) The Respondent filled out and returned that agenda to the Tribunal (albeit that it did not copy the Claimant, as required by Rule 90 of the Rules).
6. At 9:04 am on the morning of this hearing the Claimant emailed to inform the Tribunal that she would not be attending (she also did not comply with Rule 90, as she failed to copy the Respondent on that email). The Claimant wrote:

"Please accept my sincere apology as I will be unable to attend today's hearing. I have been unable to take the time off of work and would like to reschedule this hearing."
7. The Tribunal clerk telephoned the Claimant, and explained that if she did not attend she risked the Employment Tribunal dismissing her claim for her non-attendance. The Claimant reiterated to the clerk that she was unable to attend. She said that she had just started a new job, and she had been unable to get the time off to attend.
8. The 56 minutes of notice she gave the Tribunal meant that the Respondent had already made arrangements to attend, and the Tribunal was unable to reschedule any other hearing for another case to use the precious Tribunal time for another matter.

The hearing today

9. The Respondent attended the Tribunal today in order to take part in that hearing, and the Employment Judge determined to proceed with the hearing in light of that fact.
10. The Respondent applied for the Claimant's claim to be struck-out for her non-attendance.

Law

11. Rule 47 provides:

"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."

Consideration of the Respondent's application

12. The Employment Judge explained what the clerk had been told by the Claimant – that the Claimant had just started a new job and had been unable to get time off. Ms Sharma for the Respondent said in response that the amount of notice

had been inadequate – the hearing has been listed since 7 May 2024, and she had rearranged commitments in order to attend.

13. Having considered the following information available to the Tribunal about the Claimant's non-attendance:

- a) The Claimant was evidently informed of, and knew about, today's hearing;
- b) It is clear that the date and time of this hearing had been fixed for more than eight months;
- c) While it is good that the Claimant has started new employment (mitigating her losses if her complaint about the discriminatory nature of her dismissal were to be upheld), she gave no meaningful notice of her non-attendance;
- d) This meant the Respondent's time was wasted, as was the Tribunal's;
- e) Many other parties are waiting for hearing time before this Tribunal, and the Claimant's actions not only wasted this hearing slot, they threaten the viability of the Final Hearing listed for July. Given many of her complaints are presently unclear, the Respondent's ability to prepare to resist those complaints would be hindered by the delay to this hearing; and
- f) The Claimant has not complied with other Orders of the Tribunal, such as sending in a completed Case Management Hearing agenda for this hearing, which might have meant that some progress could have been made in this hearing,

the Employment Judge considered that it is in the interests of justice that the claim be struck-out for the Claimant's non-attendance pursuant to Rule 47. Further postponement of this hearing is not appropriate in light of the Claimant's non-compliance with the previous Order to attend *and* the Order to send in a completed copy of the Case Management Hearing agenda.

Conclusions

- 14. The Claimant's complaint for unfair dismissal has already been dismissed.
- 15. The Claimant's remaining claim is dismissed by reason of her non-attendance at today's hearing.

Employment Judge Ramsden

Date 21 January 2025

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