



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No 4107471/2024

Held in Edinburgh on 3 February 2026

Employment Judge: M Sutherland

5 **Linda Erskine**

Claimant
No appearance

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15 **Patrick Cairney**

Respondent
In person

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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 Tribunals (Constitution and Rules of Procedure) Regulations 2024 for failure to attend or be represented at the final hearing.

REASONS

- 25 1. The claimant had presented various complaints including for disability discrimination and holiday pay. A final hearing had been listed for 2 days starting today. The respondent attended on his own behalf. The claimant did not attend.

Non-attendance of a party

- 30 2. The respondent made an application for the case to be dismissed due to the non-attendance of the claimant under Rule 47 of the Employment Tribunal Rules 2024.
3. In determining the application for dismissal the following is noted:

4. A notice of today's final hearing was issued to parties on 10 September 2025. It was sent to the claimant by email using the email address used by the claimant in correspondence. The claimant had not appeared on the morning of the hearing and the clerk attempted to contact the claimant by email without
5 success. He was unable to find a record of her phone number on the file and accordingly no contact was made by telephone. (It subsequently transpired that she had provided telephone contact information on 4 June 2025.)
5. The final hearing required evidence from the claimant and was therefore unable to proceed in her absence. In the circumstances it was considered to
10 be in furtherance of the overriding objective for the claim to be dismissed under Rule 47. It is open to the claimant to make an application seeking reconsideration of this dismissal judgment. Any such application should be made within 14 days setting out why it is necessary in the interests of justice and should include an explanation as to why she failed to attend the hearing
15 and why she failed to make to seek a postponement if she was unable to attend.

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**Entered in register: 3 February 2026
and copied to parties**