



EMPLOYMENT TRIBUNALS

Claimant: Ms M Ariano
Respondent: Cutting Edge Podiatry Ltd
Heard at: Cambridge
On: 26 February 2026
Before: Employment Judge Tynan

Appearances

For the Claimant: Did not attend and was not represented
For the Respondents: Ms T Voges, Litigation Executive

JUDGMENT

The claim is dismissed pursuant to rule 47 of The Employment Tribunal Procedure Rules 2024.

REASONS

1. A Preliminary Hearing was scheduled for 20 October 2025. The Claimant's representative came off the record the night before the hearing, without copying the Respondent's representative into their email to the Tribunal. The Claimant did not attend the preliminary hearing, which proceeded in her absence. The Claimant has not provided any explanation for her non attendance on that occasion.
2. Employment Judge M Hunt made various case management orders on 20 October 2025, including that the Claimant must provide a further copy of her medical records to the Respondent. An order had previously been made in this regard on 2 May 2025 but had seemingly not been fully complied with. The Judge also ordered the Claimant to serve a disability impact statement, this too having been previously ordered on 2 May 2025.

3. On 12 February 2026 the Respondent applied for the claim to be struck out on grounds of the Claimant's alleged non-compliance with the orders of 20 October 2026, alternatively for unless orders.
4. Notice of today's hearing was sent to the parties on 11 November 2025 as part of the record of the case management preliminary hearing on 20 October 2025. On 18 November 2025, the Claimant emailed the Tribunal, stating:

"In accordance with Case Management Order 9, dated 20th October 2025, I write to confirm that I have instructed my original representative, Lailla Balmehdi, to continue representation."

However, since then Ms Balmehdi has failed to respond to correspondence from the Respondent's representative aimed at progressing the case, and the case management orders have not been complied with.

5. Neither the Claimant nor Ms Balmehdi attended today's hearing. They have not made any written representations to the Tribunal. The Claimant did not provide a telephone contact number on her ET1 claim form. In the circumstances, the Tribunal clerk attempted to contact the Claimant by email to ascertain whether she would be attending the hearing in Ms Balmehdi's absence. The hearing was delayed in order to facilitate this. However, nothing was heard from the Claimant notwithstanding the email address was that used by the Claimant to communicate with the Tribunal.
6. Rule 47 of the Rules provides:

Non-attendance

47. If a party fails to attend or to be represented at a hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it must consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.

7. The Claimant's email of 18 November 2026 confirms that she received a copy of Employment Judge M Hunt's case management order and, accordingly, that she is aware of today's hearing. The fact that she referred to a specific provision of the order evidences to me that familiarised herself with the document.
8. It seems that the Claimant is no longer actively pursuing her claim. She has effectively wasted the Tribunal's and the Respondents' time, and has not had the good sense or courtesy to withdraw her claim ahead of today's hearing but instead put the Respondent to avoidable time and expense.
9. I shall dismiss the claim under Rule 47 on the basis there is no good reason for the Claimant's non-attendance today. Had I not dismissed the claim, I would have given consideration to striking it out under Rule 38.

Approved by:

Employment Judge Tynan

Date: 27 February 2026

Sent to the parties on:

18 April 2026

For the Tribunal:

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here: <https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>

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