



EMPLOYMENT TRIBUNALS

Claimant: Ms. A Bourne

Respondent: Greene King Retail Services Ltd

Heard at: London South (in private; by video)

On: 13 May 2026

Before: Employment Judge Cawthray

Appearances

For the claimant: Did not attend
For the respondent: Ms. Hutchinson, Solicitor

JUDGMENT

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

REASONS

1. The hearing today was due to be a case management preliminary hearing.
2. The Claimant did not attend.
3. At approximately 9.55 am the Tribunal staff attempted telephoning the Claimant. The Claimant did not answer and the Tribunal staff left a voice message. The Tribunal staff emailed the Claimant and made a further call at approximately 10.10am and left another voice message.
4. I waited for approximately 15 minutes and there was no response.
5. Rule 47 of the Employment Tribunal Rules states:

“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.”

6. I asked the Respondent’s representative if there had been any contact with the Claimant, and Ms. Hutchinson explained that since submission of the claim on 3 February 2025 the Respondent’s representative has only received one email from the Claimant, which I have detailed below. Ms. Hutchinson emailed the Claimant last week in relation to the agenda and list of issues and has had no reply.
7. The last record of any contact from the Claimant with the Tribunal was the submission of the ET1 itself.
8. The parties were sent a Notice of Hearing on 28 June 2025, together with suggested case management orders.
9. In the ET1 claim form the Claimant had ticked the boxes to indicate she was seeking to bring complaints of unfair dismissal and whistleblowing. The Tribunal wrote to the Claimant on 28 June 2025 directing that the Claimant clarify her position in relation to a whistle blowing complaint (automatically unfair dismissal). The Claimant did not reply.
10. Ms. Hutchinson informed me that on 8 January 2026 the Respondent emailed the Tribunal, copied to the Claimant, chasing the Tribunal for an update in relation to the 28 June 2025 letter. The Claimant emailed the Respondent’s representative on the same day and said that her address had changed and the whistleblowing report was not made by her. The Claimant did not send this email to the Tribunal. The Respondent’s representative replied and told the Claimant she should write to the Tribunal with the information she had given them. The Claimant did not contact the Tribunal.
11. The Tribunal wrote to the Claimant again on 16 March 2026 warning that the whistleblowing complaint may be struck out because it has not been actively pursued and directed the Claimant to set out any objections by 30 March 2026. The Claimant did not reply.
12. The parties were emailed joining instructions for the hearing today at 12:51pm yesterday. The instructions were sent to the email address on record for the Claimant.
13. The Respondent had prepared for the hearing today, but requested the claim be struck out. In short, Ms. Hutchinson said that the claim should be struck out on the basis there were no reasonable prospects of success, in particular in regard to the lack of particularisation of the automatically unfair dismissal complaint and in relation to the unfair dismissal complaint she said the Claimant had admitted misconduct. She also said the

uncertainty was leading to additional costs for the respondent and continuing the claim was not in line with the overriding objective.

14. I reviewed the file and noted and considered the factual background as above.
15. The Claimant had not engaged with the Tribunal's directions at all. The Claimant has sent one email to the Respondent since submission of the ET1, and did not act on the information provided by Ms. Hutchinson.
16. The Claimant has made no application for postponement of the final hearing.
17. There is no record of the Claimant seeking to update her contact details.
18. I determined that it would not be in the Overriding Objective to list the claim for a further case management preliminary hearing to take place another day.
19. In the absence of any reasonable explanation from the Claimant for her non-attendance, and also noting her total failure to comply with the directions from the Tribunal to date I determined it was appropriate to exercise my powers under Rule 47 and dismiss the claim.
20. For completeness, had I not dismissed the claim under Rule 47 I would have been minded to strike out the automatically unfair dismissal complaint under Rule 38 on the basis that the claim had not been actively pursued, and there had been non-compliance with Orders from the Tribunal.

Approved by:

Employment Judge Cawthray

13th May 2026

Judgment sent to parties on
15th May 2026

For the Tribunal Office

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision. If written reasons are provided they will be placed online.

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments

are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. 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:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/