EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4101357/2026

Held in Edinburgh via Cloud Video Platform (CVP) on 30 September 2026

Employment Judge Murphy

Mr B Gassama	**Claimant** **Not present and not represented**
Margaret Hodge Recruitment	**Respondent** **Represented by:** **Ms D Kenny - Manager**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is that all claims brought under claim number 4101357/2026 are dismissed pursuant to Rule 47 of the Employment Tribunal Rules 2024.

REASONS

1. The claimant entered a claim purporting to advance complaints of sex discrimination, race discrimination, breach of contract and unauthorised deductions from wages on 11 May 2026. He said he was employed by the respondent (R) as a warehousing operative.

2. A preliminary hearing (PH) on case management was listed for 30 September 2026 at 2 pm. Notice of the preliminary hearing was sent to the claimant (C) at the address indicated on his ET1 on 13 May 2026. In the same letter, C was asked to complete an 'Agenda' for the preliminary hearing by 9 September 2026.

3. On 23 July 2026, the respondent (R) entered a response, disputing his claims (after being granted an extension of time to do so).

4. On 15 September 2026, the Tribunal wrote to the parties to confirm that the initial consideration of the claim and response had been completed and that claim would proceed to the preliminary hearing listed for 30 September 2026. In the letter, parties were directed by EJ McCluskey to complete their agendas for the preliminary hearing and send them to the Tribunal as soon as possible. It was also confirmed in that letter that a final hearing which had been listed for 19 October 2026 had been postponed because an ET3 had been submitted by R. This letter was emailed to C at the email address recorded on his ET1.

5. On 17 September 2026, the Tribunal sent a further letter to C. This too was sent to the email address recorded on C's ET1. It included the following text:

> *The judge has provided the following comments:*
> ***The case will proceed to the Case Management Preliminary Hearing already listed on 30 September 2026.***
> ***Parties are directed to complete their Agendas for that hearing and send them to each other and the Tribunal as soon as possible.***
> ***The final hearing listed for 19 October 2026 is postponed because an ET3 response form has been submitted by the respondent.***
> *The Preliminary Hearing remains listed for 30th September 2026*.

6. C did not complete and submit the PH Agenda as he was asked to do in the Tribunal's letters of 11 May, 15 September and 17 September 2026.

7. C did not attend the PH on 30 September 2026. I delayed the start of the hearing until 2.15pm. The clerk attempted to contact C both by telephone and email without success. The call was diverted to voicemail and the email went unanswered. When the hearing started, Ms Kenny made an application for the claim to be dismissed under Rule 47 of the ET Rules 2024. She narrated the circumstances including C's omission to comply timeously with requests from the Tribunal and his failure to submit a completed Agenda. At 2.25 pm I adjourned the hearing for a further 5 minutes until 2.30pm to deliberate on Ms Kenny's application but also to allow additional time for potential contact from C. During the adjournment, there was no contact from C who did not attempt to join the hearing or respond to the clerk.

8. I dismissed the claim orally under Rule 47. I concluded on reviewing the papers that the hearing could not meaningfully go ahead without C present as aspects of his complaints required to be particularised / clarified. The claimant had received notice of the PH some four months before the hearing date. Much more recent reminders had also been sent to C referring to the hearing less than two weeks before it was scheduled to take place. I took all relevant

circumstances into account. Based on the circumstances known to me, having made such enquiries as were practicable, it was wholly unclear why C did not attend the hearing. It did not appear, on the information before me, that the claimant was actively pursuing his complaints. He had unreasonably failed to attend the hearing and unreasonably failed to give any notice of his nonattendance or explanation for it. I considered that it would be in accordance with the overriding objective to dismiss the claim in the interests of avoiding further unnecessary waste of the Tribunal's resources and unnecessary expense to the respondent.

9. **C may apply for reconsideration of this judgment if he believes it to be necessary in the interests of justice within 14 days of the date it is sent to the parties. Rules 68-70 of the Employment Tribunal Rules of Procedure 2024 set out the requirements for any such application and the process that would be followed in the event of such an application. On reconsideration, the decision to dismiss the claims may be confirmed, varied or revoked. If it is revoked, it may be taken again**.

Date sent to parties 02 October 2026