



EMPLOYMENT TRIBUNALS

Claimant: Miss G Shore

Respondent: Taylors Tots Nursery

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Heard at: Midlands West Employment Tribunal (by CVP)

On: 13 September 2022

Before: Employment Judge Kelly (sitting alone)

Appearances

For the claimant: No attendance

For the respondent: Mrs Taylor, lay person

JUDGMENT

The judgment of the Tribunal is that:

The claimant's claim is dismissed on her non-attendance.

REASONS

1. The claimant has not attended this hearing.
2. Mindful of rule 47 of the Employment Tribunal Rules of Procedure 2013, we have considered whether we should dismiss the claim or proceed in the absence of the claimant. We have also considered if we should adjourn the Hearing.
3. The claimant failed to attend this hearing on 30 June 2022 which was adjourned and relisted to today. By an order of 30 June 2022, EJ Wilkinson informed the parties that they must attend the hearing today. The claimant was warned that, if she did not attend the hearing, her claim may be struck out under rule 47. Both parties were informed that they could apply to adjourn this hearing. No such application was received.

4. The hearing was listed to start at 11.30am. It did not start until 11.40am to give time for the claimant to attend and to make enquiries of her.
5. The Tribunal called the contact number for the claimant and received no reply. The Tribunal has received no correspondence from the claimant since an email of 29 June 2022 as referred to in the order of 30 June 2022.
6. The respondent had had no contact from the claimant to explain her non attendance. It had sent documents to the claimant and had received a response that the claimant could not open the file. The claimant did not send any documents to the respondent. The respondent had received no other communications from the claimant.
7. We consider that the claimant has acted unreasonably in failing to attend the hearing. We consider it to be in line with the overriding objective, in terms of dealing with issues in ways which are proportionate, avoiding delay and saving expense, to dismiss the claim.

**Signed electronically by me
13 September 2022**

Employment Judge Kelly

Signed on: 13 September 2022

Sent to the parties on:

...14th September 2022....

For the Tribunal:

...Eamonn Murphy...