



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4105406/2023

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Held via Cloud Video Platform (CVP) in Glasgow on 4 December 2023

Employment Judge Campbell

10	Ms D Mackinnon	Claimant Not present and Not represented
15	Loch Ness Coffee Co Limited	Respondent Not present and Not represented

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The claim is struck out on the basis that (i) the claimant has failed to comply with orders issued by the tribunal and (ii) the claim has not been actively pursued.

REASONS

- 25 1. The claim was presented to the employment tribunal on 19 September 2023.
- The claimant had complied with the requirements of Early Conciliation via ACAS. Her complaint was in relation to holiday pay. She claimed that she had not been paid in full for annual leave which she had accrued by the date of her resignation, which was said to be 16 June 2023. She quantified the unpaid
- 30 leave at £256.00.
2. The claim was not defended and a hearing was listed for Monday 4 December 2023, by video. The claimant had indicated in her claim form that she was able to take part in video hearings. The claimant was sent standard instructions for joining the hearing but did not join on the day. She was given
- 35 an additional 30 minutes beyond the scheduled start time of 11.00am. In

addition, the tribunal clerk assigned to the hearing tried to telephone her using the number she had provided in her claim form, but there was no answer.

3. As the reason for the claimant's non-attendance at that time was not known, I postponed the hearing and directed that the claimant be sent an email asking her to explain why she had not joined, and to confirm her availability to attend a video hearing later that week should she still wish to pursue her claim. The letter specified that if no response was received then the claim may be dismissed. By 9.45am on Thursday 7 December 2023 no reply had been received from the claimant. At the time of writing this judgment there had still been no contact.
4. I noted also that the claimant had been directed on 26 September 2023, as part of the correspondence confirming the details of the hearing, that she should send to the tribunal documents supporting her claim at least 7 days before the full hearing. She was also sent an additional order on 21 November 2023 to provide further particulars of her claim. She responded to neither of those orders and indeed on the case file there is no record of her making contact with the tribunal office after the submission of her claim form.
5. In all of the circumstances I reached the view that the claimant had not complied with orders issued by the tribunal and that the claim was not being actively pursued. Having been given suitable warning but not having responded, I considered her claim should be struck out under rule 37(1) paragraphs (c) and (d) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

Employment Judge: B Campbell
Date of Judgment: 4 December 2023
Entered in register: 13 December 2023
and copied to parties

