



EMPLOYMENT TRIBUNALS

Claimant: Mrs A Garrick
Respondent: Czajka Properties Limited
Heard at: Leeds On: 28th March 2017
Before: Employment Judge Lancaster
Members: Mr R Webb
Mrs L Hill

Representation

Claimant: Did not attend
Respondent: Mr W Josling, counsel

JUDGMENT

1. The claim is dismissed
2. Any application for costs is adjourned to be put in writing.

REASONS

1. The Claimant's representative at 16.46 yesterday had informed the Tribunal by email (without copying in the Respondent) that a COT3 settlement agreement was being prepared by ACAS.
2. No such COT3 agreement has been notified to the Tribunal and the Respondent attended with witnesses prepared for the final hearing.
3. The Respondent confirms that there had been discussions through ACAS with a view only to resolving a possible dispute over holiday pay. Such an allegation is not however pleaded and is not any part of this present claim.
4. Neither the Claimant nor her representative were able to be contacted by telephone.
5. The Tribunal adjourned the start of the hearing until 10.30 am to allow opportunity for the Claimant to attend.
6. As the Claimant did not attend to give any evidence on oath which might have proved that she was constructively dismissed or that she had made a protected qualifying disclosure (which are respectively denied and not admitted). The claim cannot therefore succeed.

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7. Also there could in the circumstances be no challenge to the Respondent's evidence.
8. In these circumstances the claim is not being actively pursued and is therefore dismissed without hearing evidence.
9. No application for costs will be considered until the Claimant has had specific opportunity to make representations, either in writing or possibly at a further hearing. Therefore no submissions were heard on this issue and the application will be put in writing.
10. For the avoidance of doubt the claim for equal pay which was settled through ACAS on 24th January 2017 is also now formally dismissed upon withdrawal.

Employment Judge Lancaster

Date: 28 March 2017

Sent on: 28 March 2017