



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms V Ward

**and**

**1<sup>st</sup> Respondent** Christopher Jay  
**2<sup>nd</sup> Respondent** EUROSDB Limited

**Heard at:** Birmingham

**On:** 19 February 2018

**Before:** Employment Judge Gilroy QC

## Representation

**Claimant:** No attendance or representation  
**Respondents:** Mr A Famutimi (Consultant)

## JUDGMENT

The Judgment of the Tribunal is as follows:

The Claimant's claims are dismissed pursuant to r.47 of schedule 1 to the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013.

## REASONS

1. The Claimant presented two claim forms to the Tribunal, pursuing claims of unfair dismissal and sex discrimination. The matter was listed for the purposes of a Preliminary Hearing on 19 February 2018 on the basis that the Tribunal intended to issue directions for case management purposes. The parties were notified on 11 October 2017 of the listing of the case for the purposes of a Preliminary Hearing on 19 February 2018. They were reminded of the same by letter dated 6 November 2017. By letter dated 5 December 2017, the Tribunal notified the parties that the time estimate for the Hearing on 19 February 2018 had been increased from 60 to 90 minutes.
2. At 9.12 am on 16 February 2018, the Respondents' representatives sent to the Tribunal (copying in the Claimant) a suggested agenda for case management purposes and a proposed draft list of issues in order to assist at the Preliminary Hearing.

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3. The Claimant did not acknowledge receipt of the Respondents' agenda. Mr Famutimi, who attended the Preliminary Hearing on behalf of the Respondents, indicated that he had no information as to where the Claimant was. She had provided the Respondents' representatives with no reasons for her non-attendance. She had not responded to the e-mail attaching the Respondents' case management agenda. Mr Famutimi invited me to dismiss the Claimant's claims.
4. Rule 47 of Schedule 1 to the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, the "Tribunal Rules", provides as follows:

***Non-Attendance***

*47. If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the parties' absence.*

5. I considered all of the information which was available to me. I made such enquiries as were practicable (the enquiries of Mr Famutimi as to the extent to which the Claimant had remained in contact with the Respondents' representatives). Given the repeated correspondence from the Tribunal to the parties, informing them and reminding them of the Hearing listed for 19 February 2018, and the complete lack of contact from or on behalf of the Claimant with the Tribunal, I did not consider that it was appropriate to start seeking out explanations from her as to why she had failed to attend the Tribunal. If there is a valid explanation for her non-attendance, it would always be open to her to apply for reconsideration of this decision.
6. In the circumstances, I concluded that it was entirely appropriate to dismiss the Claimant's claims.
7. The Claimant's claims are hereby dismissed.

Employment Judge Gilroy QC  
19 March 2018