

## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

Case No: 4100172/2017 Hearing at Edinburgh on 3 May 2017

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Employment Judge: M A Macleod (sitting alone)

10 David Currie

Claimant  
Not Present and  
Not Represented

15 JC & N Still Limited t/a Flotterstone Inn

Respondent  
Represented by  
Ms A Khan  
Consultant

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### **JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The Judgment of the Employment Tribunal is that the claimant's claims are dismissed.

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### **REASONS**

1. A hearing on the merits was fixed to take place in this case on 3 and 4 May 2017 in Edinburgh.
2. The claimant did not appear at the hearing, nor was he represented.
3. Ms Khan, Consultant, appeared for the respondent, and witnesses were also in attendance in preparation for the hearing. Ms Khan submitted a bundle of productions for the benefit of the Tribunal.
- 35 4. The clerk contacted the claimant's telephone number on the morning of the hearing but without reply. There was no indication on the Tribunal's administrative file that the claimant was not intending to attend the hearing. The respondent has had no intimation of such an intention from the claimant.

5. Having been informed of these developments, Ms Khan requested dismissal of the claim in terms of Rule 47 of the Employment Tribunals Rules of Procedure 2013.

5 6. In light of the information available to me, and in particular the fact that the claimant had given no prior indication that he did not intend to attend the hearing and that the respondent had attended fully prepared to proceed, I granted the application to dismiss the claim. The administrative file disclosed that a Notice of Hearing was issued to the claimant at the address given on the ET1 setting out the correct dates and place of the hearing.  
10 The Tribunal waited until 10.15am without any contact from the claimant either prior to or at the time of the hearing, and on the basis of the information available it appears that the claimant no longer intends to pursue his claims. It is not, in my judgment, in the interests of justice to require the respondent to proceed with the hearing in the claimant's absence, and in the absence of any clear indication that the claimant  
15 intended to proceed with the hearing himself, I was prepared to grant the application.

7. I indicated to the respondent's representative that the claimant will be informed of his right to seek reconsideration of this Judgment, but that he  
20 would require to provide good reason in order to persuade the Tribunal to revoke the dismissal of his claims.

8. I also expressed my thanks to the respondent and its representative for having attended the hearing in a state of preparation for the case to proceed, with both documents and witnesses available for the assistance of  
25 the Tribunal.

9. The claimant's claims are therefore dismissed.

5 Employment Judge: Murdo MacLeod  
Date of Judgment: 03 May 2017  
Entered in Register: 04 May 2017  
And Copied to Parties.