



EMPLOYMENT TRIBUNALS

Claimant: Mr G Scott

Respondent: Prosurance Ltd

Heard at: Manchester

On: 10 December 2018

Before: Employment Judge Holmes

REPRESENTATION:

Claimant: Not in attendance or represented

Respondent: No response received

JUDGMENT

It is the judgment of the Tribunal that, **unless** the claimant do by **18 December 2019** show cause why it should not be, and , in particular, explain why he did not attend the hearing listed for 10 December 2019, the claimant's claim is dismissed pursuant to rule 47 of the 2013 Rules of Procedure.

REASONS

1. The Tribunal convened to conduct the final hearing in relation to the claimant's claim for unpaid wages. This hearing was convened by letter from the Tribunal to the parties of 6 September 2019, when the hearing was listed for 10.00 am.

2. The respondent did not submit a response, and the Tribunal so notified the parties on 24 October 2019. The same day the Tribunal sought further information about his claims from the claimant, with a view to a rule 21 judgment being issued. The claimant responded on 31 October 2019 by email, attaching a payslip. By letter of 14 November 2019 the Tribunal sought still further information from the claimant. He replied on 21 November 2019, but the information supplied did not clarify his claim. He was informed by letter of 3 December 2019 that the information was still unclear, and that the hearing of 10 December 2019 remained listed.

3. On 10 December 2019, the Tribunal called the case on at 10.00 a.m., when but the claimant did not attend, nor was he represented before the Tribunal. No message was received by the Tribunal, nor was any explanation forthcoming as to the reason the claimant had not attended.

4. The Tribunal considered whether to exercise its powers under rule 47, which provides that if a party fails to attend or be represented at a hearing (and that includes, now under the 2013 Rules, a preliminary hearing), the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. The rule goes on to provide that before doing so it shall consider such information as is available to it after any enquiries that may be practicable about the reasons for the party's absence.

5. The Employment Judge considered the position. There was no attendance by or on behalf of the claimant, and no explanation for this. There may, of course, be one, but in the absence of one, Tribunal will exercise its powers under rule 47, but will afford the claimant an opportunity to show case why this should not be done.

Employment Judge Holmes

Dated : 11 December 2019

JUDGMENT AND REASONS SENT TO THE PARTIES ON

13 December 2019

FOR THE TRIBUNAL OFFICE

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