



EMPLOYMENT TRIBUNALS

Claimant: Mrs M Dooley

Respondent: Mr S Preston

JUDGMENT

The claim is dismissed.

REASONS

1. The Claimant was employed by the Respondent as a bar tender at the Railway Inn in Ipswich from 10 October 2016 until 12 August 2019 when she was summarily dismissed on the grounds of alleged gross misconduct. On 14 November 2019 the Claimant presented a Claim to the Tribunal in which she complained that she had been unfairly dismissed. The Claim is denied by the Respondent which asserts in its Response Form that the Claimant was fairly dismissed for using foul and abusive language towards and in the presence of customers.
2. At the Claimant's request, the original hearing in August 2020 was adjourned and re-listed for hearing in January 2021 as the Claimant was not sufficiently prepared for the hearing to go ahead. The Claimant and/or her husband, who represents her, could not then participate at the subsequent hearing on 21 January 2021 because members of their family were said to be using the internet on that occasion. They could not be contacted by telephone when the Tribunal sought to convert that hearing to a case management hearing. However, Employment Judge Kurrein decided to proceed in their absence and made various case management orders as well as identifying the issues in the case that would need to be determined at the final hearing. His order was sent to the parties on 1 February 2021 and included details of the further adjourned final hearing at Bury St Edmunds Employment Tribunal on 14 July 2021. Accordingly, the parties have been on notice of today's hearing for nearly six months.
3. On 8 July 2021 the Tribunal wrote to the parties to confirm that the hearing was going ahead and that it would be in person.
4. Neither party attended the hearing on 14 July 2021. There is no correspondence on the file to indicate that the proceedings have been settled by agreement. However, the Claimant's husband's correspondence with the Tribunal and the Respondent's

attendance at the hearing in January this year evidence to me that they are receiving correspondence from the Tribunal and accordingly that they were both on notice of today's hearing. Indeed, the Respondent was at Tribunal on 21 January and made aware therefore of the hearing date then. Whilst I cannot say whether the Claim may have been resolved by agreement between the parties, I am satisfied that for whatever reason the Claim is no longer being actively pursued by the Claimant. Valuable Tribunal time and resources have been allocated to this matter, yet the parties have not seen fit to attend the hearing or otherwise correspond with the Tribunal. I have decided that I should dismiss the Claim on the basis that it is no longer being actively pursued by the Claimant.

Employment Judge Tynan
20/8/21

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE