



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4112518/2021 (V)

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Held in Glasgow (by CVP) on 16 February 2022

Employment Judge B Beyzade

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Mr. W Murray

**Claimant
Not present and
not represented**

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STL Kitchens Limited (in Voluntary Liquidation)

**Respondent
Not present and
not represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

1. The judgment of the Tribunal is that:

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1.1. The Claimant being neither present nor represented at a point in excess of fifty minutes after the time set for Final Hearing and there being no answer on the telephone number furnished by the claimant for the purposes of the Tribunal communicating with him and the claimant not having otherwise communicated with the Tribunal, the Tribunal dismisses the claim in terms of *Rule of Procedure 47 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013*.

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REASONS

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1) The claimant lodged a claim for holiday pay and other payments on 26 November 2021, to which the respondent did not enter a response.

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- 2) On 17 January 2021 the claimant was asked to provide further information in relation to the amounts that he were claiming. The claimant replied on 20 January 2021 advising that he was claiming 5 weeks' holiday, that he could not say how much he was claiming in respect of the failure to provide rest breaks, and that the respondent had entered into voluntary liquidation. He also intimated that he may be entitled to a redundancy payment which he was advised he could claim in his Tribunal claim.
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- 3) Therefore, the claimant applied for an amendment to his claim to include a claim for a redundancy payment as per his correspondence dated 27 January 2022.
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- 4) The respondent was sent correspondence from the Tribunal dated 8 February 2022 requesting their comments on the claimant's application by 15 February 2022. The respondent did not reply to this correspondence.
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- 5) The claimant was asked to provide further information by the Tribunal on 8 February 2022. He replied on the same date attaching copies of his bank transactions, but the claimant stated that he could not provide any other information.
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- 6) The case called for Final Hearing at Glasgow by Cloud Video Platform ("CVP") on 16 February 2022 at 11.00am.
- 7) There was no appearance for or on behalf of the claimant or the respondent.
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- 8) The case file records that Notice of the date and time set down for the Final Hearing was sent to the claimant and the respondent on 8 December 2021 at the correspondence address provided by the claimant to the Employment Tribunal for the purposes of receiving such

communications. No return of the Notice of Hearing issued to the claimant, or the respondent has been received by the Tribunal.

5 9) On the sitting Judge's directions the Clerk checked and confirmed that no contact had been made by the claimant with the Tribunal in connection with the Final Hearing.

10 10) On the sitting Judge's direction the Clerk attempted to communicate with the claimant on the telephone number provided by the claimant for that purpose, at 8.47am, 9.30am, 10.00am, and 11.05am on the day of the Hearing. The telephone number provided by the claimant was not in service. The Tribunal did not have a contact number or email address for the respondent. The claimant was sent emails by the Clerk at 09.27am, 10.17am, and 10.45am. A further email was sent at 11.20am
15 requiring the claimant to log-in and attend the hearing by 11.30am and in default of which the Hearing would proceed in his absence. I am also informed by the Clerk that attempts were made to carry out a CVP test in respect of today's hearing by emails sent to the claimant between 14 February 2022 and 15 February 2022, but the claimant did not attend
20 any appointment or respond to the emails.

25 11) The Tribunal sat at 11.00am and then adjourned and sat again at 11.30am to afford the Claimant the opportunity to attend (though late) or to communicate with the Tribunal regarding his non-attendance. After a brief adjournment at 11.58am, the Tribunal reconvened.

30 12) At 11.58am and on the assumption that by his unexplained non-attendance the claimant sought to communicate an intention not to insist upon his claim, the Tribunal dismissed the claim in terms of *Rule of Procedure 47 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013*. The Tribunal took into account its overriding objective (Rule 2).

13) If the Tribunal is wrong in that assumption it will be open to the claimant to consider proceeding by way of Application for Reconsideration of the Judgment.

5 *I confirm that this is my judgment and written reasons in the case of Mr. W Murray v STL Kitchens Limited (in Voluntary Liquidation) Case No 4112518/2021 and that I have signed the order by electronic signature.*

10 Employment Judge: Beyzade Beyzade
Date of Judgment: 16 February 2022
Entered in register: 04 March 2022
and copied to parties

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