



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4105989/2022

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Held in Edinburgh on 19 January 2023

Employment Judge Murphy

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Mrs K Cunningham

Claimant
Not present and
not represented

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Mr K Penman

Respondent
Not present and
not represented

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

20 The Judgment of the Employment Tribunal is that all claims brought under claim number 4105989/2022 are dismissed pursuant to Rule 47 of the Employment Tribunal Rules 2013.

REASONS

1. A final hearing was fixed for 19 January 2023 at the Edinburgh Tribunal. The hearing was convened pursuant to Rule 21 of the Employment Tribunal Rules 2013, the respondent not having entered a response to the claim. The claimant's claim is part of a multiple along with that of Mr G Cunningham, the claimant's husband. The claimant failed to attend or be represented at the hearing. The respondent was not in attendance. The claimant's husband attended the hearing and advised he did not believe Mrs K Cunningham would attend. When asked if he knew why, he advised she wasn't feeling too good and had a bit of a cold.

2. A Notice of Hearing was sent to the claimant by on 16 November 2022. Correspondence had previously been received from Mr G Cunningham purporting to explain the basis of Mrs K Cunningham's complaints. On 9

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January 2023, the Tribunal sent correspondence to Mrs K Cunningham which included the following directions:

5 *Finally, each claimant is expected to communicate with the Tribunal directly unless they have a representative who is to communicate with the Tribunal on their behalf. Mrs Cunningham is asked to confirm that she wishes her husband, Mr Cunningham to represent her for the purposes of these proceedings.*

Please reply within 7 days.

- 10 3. Mrs K Cunningham did not respond to this correspondence. On 13 January, a further letter was sent to her to confirm that the case would proceed to the hearing listed for 19 January 2023 in person. The claimant did not contact the Tribunal to advise of her non-attendance. She did not seek any postponement of the hearing or provide any medical certificate in relation to her health. Mr G Cunningham was not authorised to represent Mrs K Cunningham.
- 15 4. Taking all relevant circumstances into account, I dismissed the claimant's claims pursuant to Rule 47 of the Employment Tribunals Rules of Procedure 2013. Based on the circumstances known to me, it did not appear that the claimant wished to actively pursue her complaints. The claimant may apply for reconsideration of this judgment if she believes it to be necessary in the
- 20 interests of justice within 14 days of the date it is sent to the parties. Rules 71 - 72 of the Employment Tribunal Rules of Procedure 2013 set out the requirements for any such application and the process that will be followed. On reconsideration, the decision to dismiss the claims may be confirmed, varied or revoked. If it is revoked, it may be taken again.

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30 **Employment Judge: L Murphy**
Date of Judgment: 19 January 2023
Entered in register: 23 January 2023
and copied to parties