



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms E Ajayi

**Respondent:** Madigangil Security Limited

**Heard at:** London Central (in person)      **On:** 16 October 2024

**Before:** Employment Judge B Smith  
Tribunal Member Craik  
Tribunal Member Godecharle

## REPRESENTATION:

**Claimant:** Did not attend

**Respondent:** Mr Morley (Consultant)

# JUDGMENT

The unanimous judgment of the Tribunal is as follows:

1. The claims are dismissed under rule 47 Employment Tribunals Rules of Procedure (2013).

# REASONS

2. The claimant did not attend the final hearing. There was no apparent reason for the claimant's non-attendance. The Tribunal clerk called the phone number known for the claimant and the phone rang but was not answered. We had regard to the information available to us after the above enquiry was made about any potential reason for the claimant's absence.
3. It was not in the interests of justice to postpone the hearing. There was no good reason to postpone the hearing. Also, any postponement would be for a significant period of time, likely a year, and this would cause unfair prejudice to the respondent because memories of witnesses are likely to have further faded due to the passage of time and the respondent would incur additional costs.

4. We were satisfied that the claimant was aware of the hearing because it was listed at a case management hearing on 1 February 2024 at which the claimant was represented. The claimant's legal representatives came off the record on 19 September 2024 and provided the Tribunal and respondent with the claimant's email address. We had no reason to believe that the Tribunal and respondent had incorrect contact details for the claimant. In any event, the duty is on the claimant to update the Tribunal and respondent with new contact details if they have changed.
5. In the alternative, the claims would otherwise have been struck out under Rule 37 because they were not being actively pursued and for non-compliance with Tribunal orders. The claimant failed to submit witness evidence and comply with her disclosure duties in accordance with the Case Management Orders dated 1 February 2024. No such evidence or disclosure was provided. These are serious breaches of the orders without any apparent reason and it was unclear that a fair trial would have been possible in the circumstances. In any event, the claims also were not being actively pursued for the same reasons.
6. It is also relevant to record that the claimant had not responded to the respondent in the run up to the hearing. In particular, the claimant did not answer phone calls which she could have identified as coming from the respondent, and when the respondent's representative called the claimant directly from a different number the phone she answered the phone but did not continue the call. Also, when the hearing bundle was sent to the claimant in hard copy it was refused and returned to the respondent.

Employment Judge Barry Smith  
16 October 2024

SENT TO THE PARTIES ON

24 October 2024

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FOR THE TRIBUNAL OFFICE

**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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