



# **EMPLOYMENT TRIBUNALS**

## **AT AN OPEN ATTENDED PRELIMINARY HEARING**

**Claimant:** Ms F Wilson

**Respondent:** Leicester City Council

**Heard at:** Leicester                      **On:** Friday 10 February 2017

**Before:** Employment Judge Legard (sitting alone)

**Representation**

**Claimant:** Did not attend

**Respondent:** Mr P Atreides, Solicitor

## **JUDGMENT**

1. The claim is dismissed.

## **REASONS**

1. This matter was listed for a preliminary hearing by Employment Judge Ahmed following a further preliminary hearing held on 2 December 2016. The purpose of today's hearing was specifically to determine a preliminary issue, namely whether the Claimant was at the material time a disabled person within the meaning of s.6 of the Equality Act 2010.
2. At the preliminary hearing on 2 December 2016, the Claimant was professionally represented by Mr Tolcher, Solicitor. Judge Ahmed made various directions and orders, including an order that the Claimant produce medical evidence, an impact statement and a witness statement. There were also further orders relating to the provision of a bundle and skeleton arguments.
3. On 16 December 2016, the Tribunal office received a letter from those representing the Claimant informing the Tribunal that they were coming off the

record. Within that letter, they confirmed that the Claimant's address for correspondence was that as on the Claim Form so far as they were aware. On the Claim Form the Claimant's address was given as 106 Neston Drive, Nottingham. However, there was no telephone number or email address given.

4. The Tribunal subsequently wrote to the Claimant at the given address reminding the Claimant that the matter was listed for a preliminary hearing today, 10 February 2017. The Respondent's legal representative has duly attended and a full day's Tribunal time has been set aside at not inconsiderable expense in order to deal with this matter.
5. I have instructed staff at the Tribunal office here in Leicester to undertake what enquiries they can (including online searches) in order to try and ascertain a telephone number, but all to no avail. There has been no telephone, email or written correspondence or communication between the Claimant and the Tribunal office. I am informed by the Respondent's representative that they themselves wrote to the Claimant on 27 January 2017 with regard to the orders that Judge Ahmed had made at the preliminary hearing in December and they too have had no acknowledgement or response to their attempted communication.
6. I am satisfied on balance that the Claimant is aware of today's hearing but, for reasons unknown, has decided not to attend. Accordingly I am of the view that she is not intending to further prosecute her complaint before this Tribunal.
7. For those reasons, and in the above circumstances, I therefore dismiss the claim on the basis of the Claimant's non-attendance in accordance with Rule 47. In doing so, I have considered all the information available to me through the Tribunal staff having made such enquiries about the Claimant's absence as I considered practicable.

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Employment Judge Legard

Date: 14<sup>th</sup> April 2017

JUDGMENT AND REASONS SENT TO THE PARTIES ON

.....28 April 2017.....

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FOR THE TRIBUNAL OFFICE