



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4113812/2021

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Hearing Held in Glasgow by Cloud Video Platform (CVP) on 11 April 2022

Employment Judge Murphy

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Mr M Chambaa

**Claimant
Not present and
not represented**

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Chemco International Ltd

**Respondent
represented by
Mr S Allison -
Solicitor**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is that the claim is dismissed.

REASONS

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1. A final hearing was scheduled for 11 – 13 April 2022 by CVP. The Claimant failed to attend or be represented at the hearing. It was ascertained through enquiries that a notice of hearing was sent to the claimant's former representative, Ms Bain of the Glasgow Law Practice, by email on 17 February 2022. Although Ms Bain subsequently withdrew from acting for the claimant on 18 March 2022, it appeared from her earlier correspondence to the Tribunal that she had been in contact with the claimant after the receipt of the Notice of Hearing. It is, therefore, assumed that the claimant had been informed of the hearing dates. Prior to Ms Bain's withdrawal from acting, she had informed the Tribunal she believed the claimant to be overseas, following a family bereavement. She also indicated her belief that he was due to return to Glasgow in March 2022.

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2. The Tribunal Clerk sent emails to the claimant's email address on 30 March, 4 April and 7 April 2022 regarding the hearing. In the last of her emails, she sent him a link and joining instructions. The Tribunal does not hold a telephone number for the claimant. On 5th April 2022, the Clerk contacted Ms
5 Bain and asked if she could call her former client to request that he call the Clerk regarding the forthcoming hearing. Ms Bain did not manage to speak with the claimant but left a voicemail message on his mobile. The claimant did not make contact. On 6 April 2022, the Clerk sent a letter by post to the claimant's home address, requesting that he contact her with regard to the
10 hearing. The tracking information indicates the letter was not delivered. Mr Allison indicated that one of the respondent's witnesses, who has the claimant's mobile number, has reason to believe the claimant has been active on WhatsApp as recently as this week and, therefore, on the face of it, he believes the claimant has access to mobile reception or Wi-Fi.
- 15 3. Two Case Management Orders have been issued with which the claimant has not complied. Employment Judge McLean issued an Order dated 2 February 2022 requiring the claimant to provide certain information relevant to remedy. The time limit was extended on two occasions on Ms Bain's application and expired on 18 March 2022. A further Case Management Order requiring
20 information relevant to remedy as well as further particulars of matters alluded to in the claimant's ET1 was issued on 31 March 2022 by Employment Judge Gall. The time limit for a response was 7 April 2022. The claimant has not responded to either of the orders. This has elicited applications for strike out by the respondent's representative, which have been copied to the claimant,
25 without response.
4. I waited until 10.10 am to commence the hearing in case the claimant might attend late but he did not. Mr Allison made an application that the proceedings be dismissed pursuant to Rule 47 of the Employment Tribunal Rules 2013. Having considered all information available including the notice provided of
30 the hearing, the absence of communication from the claimant regarding his lack of attendance and the failure to comply or correspond with the Tribunal regarding previous Case Management Orders, I have dismissed the claim

pursuant to Rule 47. In making this determination, I have had regard to the overriding objective to deal with cases fairly and justly. The only inference that can reasonably be drawn based on the information available is that the claimant does not wish to continue to pursue his claim (and, for this reason, has not actively done so).

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5. The claimant has the right to make an application for reconsideration of this decision under Rule 71 of the Employment Tribunal Rules 2013. Should he wish to do so, he should present an application in writing, copying in Mr Allison, within 14 days of the date on which this judgment is sent to the parties. Any such application should set out why a reconsideration of this decision is necessary in the interests of justice.

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Employment Judge: Lesley Murphy
Date of Judgment: 11 April 2022
Entered in register: 11 April 2022
and copied to parties