



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4107179/2023
Hearing by CVP in Glasgow on 1 March 2024

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Employment Judge: D Hoey

Mr G Harkness

Claimant
Not present

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Augean Limited

Respondent
Represented by
Ms Dixon
(HR Director)

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The claimant having failed to attend the Hearing, enquiries having been made and
25 the information presented having been considered, the claim is dismissed in terms
of rule 47 of Schedule 1 of the Employment Tribunals (Constitution and Rules of
Procedure) Regulations 2013.

REASONS

1. The claimant presented a claim on 30 November July 2023 claiming unfair
30 dismissal. The respondent argued that the claim was time barred by 2 weeks.
The claimant had been dismissed on 10 July 2023, commenced early
conciliation on 14 September 2023 and obtained an early conciliation
certificate on 23 October 2023.
2. This hearing had been fixed to determine the issue of time bar, it appearing
35 from the information presented that the claim had in fact been lodged late.

3. The respondent had prepared a bundle of documents for the hearing and on 13 February 2024 the claimant had been asked to confirm if he had any documents to add. The claimant had not replied to the Tribunal correspondence and was asked again on 26 February 2024 to confirm whether or not he had any documents on which he intended to rely and whether or not he intended to proceed with his claim and attend the hearing. The claimant did not reply to that correspondence.
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4. When the case called the respondent's HR director was in attendance. The claimant had not attended nor called to say he was unable to do so. Despite calls being made to the claimant, there was no reply.
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The Tribunal Rules

5. In terms of rule 47 of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013: *"If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence."*
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Decision

6. From the information before me it appeared that the claim was time barred. Further, the claimant had not engaged with the Tribunal despite being asked on 2 occasions to reply.
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7. I decided to dismiss the claim given the claimant's failure to attend and the foregoing.
8. Sufficient enquiries had been made as to whether or not the claimant intended to advance his claim.
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9. The claimant had not engaged with the Tribunal process.

Claim is dismissed

10. The claim is accordingly dismissed.

D Hoey

Employment Judge

1 March 2024

Date

6 March 2024

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10 **Date sent to parties**

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