



EMPLOYMENT TRIBUNALS

Claimant: Z Dzhavatkhanova

Respondent: Patel Post and Print Limited

Heard at: London South Employment Tribunal by video

On: 10 October 2022

Before: Employment Judge L Burge

Appearances

For the Claimant: Did not attend

For the Respondent: Ms Akers, Counsel

OPEN PRELIMINARY HEARING JUDGMENT

The claim is dismissed under Schedule 1, Rule 47 of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013 for non-attendance at the hearing.

REASONS

1. Today was supposed to be a one day Open Preliminary Hearing to determine the Claimant's application for amendments, whether the Claimant had brought her claims in time, whether the Claimant's claims should be struck out for having no reasonable prospects of success, whether a deposit order should be made and directions for the final hearing.
2. The Claimant did not attend the hearing. Her legal representative was contacted by the Tribunal but said she was no longer representing the Claimant. The Claimant had been sent the notice of hearing directly. She must have provided it to the Whitechapel Legal Advice Clinic who wrote to the Tribunal saying that they had been "unable to take instructions from the Claimant, who appears to be suffering from ill health, and therefore, we are unable to assist her with the hearing today".

3. The Tribunal tried to contact the Claimant multiple times by phone and also by email. There was no response.
4. No medical evidence had been provided to the Tribunal to suggest that the Claimant was currently unwell, nor had the Claimant requested a postponement or told the Tribunal that she did not intend to attend or what the reasons for any proposed non-attendance were.
5. The Tribunal has in mind Rule 2 of the Tribunal Rules, dealing with the case fairly and justly, in its decision to dismiss the claim under Rule 47.
6. The hearing listed for 9-13 January 2023 will no longer go ahead.

Employment Judge L Burge
10 October 2022

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