



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms A Porebska

**Respondent:** Avara Foods Ltd

## JUDGMENT ON PRELIMINARY HEARING

### Rule 47 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

**Heard at:** Birmingham in private by telephone

**On:** 22 March 2023

**Before:** Employment Judge L Knowles

#### Appearances

For the claimant: Did not attend

For the respondent: Mr Dando, Solicitor

## JUDGMENT

1. Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 provides:

#### “Non-attendance

**47.** 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.”

2. The claimant and her representative failed to attend the scheduled Case Management Preliminary Hearing, having been properly notified in advance by a notice of hearing on 23<sup>rd</sup> September 2022 and a further reminder with joining details on 8<sup>th</sup> March 2023. This notice and reminder was sent by email to the address for the Claimants representative on the ET1 form and is in line with the Claimant’s stated preferred method of communication.
3. On 13<sup>th</sup> March 2023 the Claimant’s representative acknowledged receipt of an email from the Respondent’s representative confirming the Case Management

Preliminary Hearing on 22<sup>nd</sup> March 2023 and attaching the bundle, Agenda and List of Issues for that hearing.

4. The Tribunal clerk has contacted the mobile telephone number given by the Claimant in the ET1 claim. The mobile number was unanswered.
5. Having considered all of the information available to the tribunal, I exercise my power under Rule 47 to dismiss the Claimant's claim forthwith in its entirety.
6. If the parties wish to apply for the Judgment to be reconsidered they must write to the Tribunal within 14 days of the Judgment being sent to the parties explaining the reason for non-attendance and why reconsideration is necessary.

Employment Judge L Knowles

22 March 2023