



**IN THE MATTER OF
THE GANGMASTERS (APPEALS) REGULATIONS 2006
BETWEEN**

Appellant

TMR Jobs Ltd

and

Respondent

Gangmasters and Labour
Abuse Authority

TELEPHONE PRELIMINARY HEARING

Heard at: Nottingham

On: 28 January 2020

Before: Employment Judge Britton – Appointed Person

Representation

For the Appellant:

No attendance or explanation

For the Respondent:

Mr C Sheehan of the GLAA

JUDGMENT

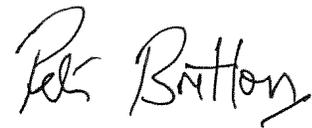
This appeal is dismissed for a combination of unreasonable conduct, failure to comply with my orders and want of prosecution.

REASONS

1. By now, this case has a long and chequered history. This has included the Respondent encountering difficulties with the Appellant over such as agreement on the bundle and exchange of witness statements in that context an issue was as to what was her address for such as correspondence. Then the first listed hearing of this matter had to be aborted because the Appellant maintained at short notice that she was unwell. By then, costs had already been expanded by the Respondent, including the first brief fee of Mr Jupp of Counsel.
2. On 13 November the case was relisted for hearing on the 31 January 2020. Given the unfortunate history to which I have now referred, at the request of the GLAA on 15 November 2019, I made an order to the effect that the Appellant was required to notify the “Court and ourselves (GLAA) of their attendance at the hearing no later than 12 noon on 24 January and in the absence of confirmation the Court will determine whether the appeal should be dismissed on the basis of abandonment by the Appellant.”

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3. I have no doubt whatsoever on the evidence that is before me that the Claimant received that order because from 4 October 2019 all correspondence has been provided to her by the Secretary of the Gangmaster Licensing Appeals at Manchester by not just email to two different boxes but also by post "to both of her postal addresses on file".
4. Against that background the Appellant submitted late on 17 January 2020 a request for a postponement of the hearing which was scheduled for 31 January 2020 purporting to say that she had not received any preceding communication and that she could not attend. What she said was "I am not available on 31 January as per your letter. No emails have been received and is currently being investigated. Please can another date be arranged"
5. I find it remarkable to say the least that given the extensive correspondence she had received no communications viz the hearing or my order. The respondent opposed her application and asked for strike out. In that context, therefore, I ordered that there would be a preliminary hearing today obviously as a matter of urgency. This was sent out to the parties by email at 11:09 including to both of the email addresses for the Appellant. The clerk also telephoned the contact numbers that we had for her and left voicemails. It was made plain in the email and stated in bold that in this context I would therefore be determining as to whether or not the appeal should therefore be dismissed and thus it was made plain inter alia "If the Appellant does not attend the hearing by telephone, the case may be dismissed".
6. As it is, she has not attended before and no explanation has been given. Mr Sheehan of the GLAA has been present. In the circumstances, I am dismissing this appeal essentially because there is now a history of the Appellant failing to comply with my orders. Also, there is clear evidence of a failure to prosecute her case and finally in all the context, as is perhaps self-evident, unreasonable behaviour in her conduct of the case.



Employment Judge Britton
Appointed Person
Dated 30 January 2020

JUDGMENT & REASONS SENT TO THE PARTIES ON

.....31 January 2020.....



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