

In The Matter of The Industrial Relations Act  
And  
In the Matter of the Industrial Relations (Tribunal Procedure) Rules 2010

**BETWEEN**

**TENEIL SMITH**

**Applicant**

and

**SMITH CONSTRUCTION CO. LTD.**

**Respondent**

**APPEARANCES:** No Appearance for or on behalf of the Applicant  
Mr James Roosevelt Thompson for the Respondent

**BEFORE:** Her Honour Vice President Simone I. Fitzcharles

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**ORDER ON DISMISSAL**

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This trial of this matter was listed to take place on Monday 28 June 2021 at 10:00 o'clock in the forenoon. Both parties received notification of the trial (Form J) and an electronic link for the Virtual Adjudication Hearing. The Applicant acknowledged receipt of the electronic link for the virtual hearing on 25 June 2021, but failed to attend the hearing or to communicate with any reason why he would not be in attendance. Counsel for the Respondent attended the hearing.

The Applicant and the Respondent have wholly failed to comply with the Order on Directions given by Her Honour Vice President Marilyn Meeres on 17 November 2020. As such, no documents have been filed to make the matter trial-ready.

**IT IS HEREBY ORDERED** that of its own motion the Tribunal, pursuant to Rule 12(1)(f) of the Industrial Relations (Tribunal Procedure) Rules 2010, hereby strikes out the Originating Application (Form A) for want of prosecution and the matter stands dismissed.

**AND THIS IS THE ORDER OF THIS TRIBUNAL**

Dated this 28<sup>th</sup> day of June 2021.

Her Honour

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**Simone I. Fitzcharles**  
**Vice President**