



EMPLOYMENT TRIBUNALS

Claimant

Miss S Otubu

v

Respondent

Alpha 1 Recruitment Limited

PRELIMINARY HEARING

Heard at: Birmingham

On: 15 March 2017

Before: Employment Judge Dean

Appearances

For the Claimant: no attendance

For the Respondent: Mr S Jagpal, consultant

JUDGMENT

1. The complaint of unlawful deduction for pay is struck out. The complaint is dismissed.

REASONS

1. By an Order made on 8 December 2016 Employment Judge Broughton ordered the claimant by no later than 21 December 2016 to provide additional information requested by the respondent under the heading Preliminary Matters in their response.
2. By letters sent to the claimant on 22 December 2016 and 11 January 2017 the claimant was reminded by the Tribunal of the need to provide the information and no response was received from the claimant.
3. By a letter dated 24 January 2017 the Tribunal gave the claimant an opportunity to make representations or to request a hearing, as to why the complaint of unlawful deductions should not be struck out because it has not been actively pursued.
4. The claimant wrote to the Tribunal and made a representation on 1 February 2017 and as a consequence notice was sent to the parties on 9 February that this hearing was listed to require the claimant to attend and show cause why the claim should not be struck out for the following reasons:-
 - a. Her failure to comply with the order made by Employment Judge Broughton dated 8 December 2016.
 - b. That it is not being actively pursued.

5. The claimant has not attended the Tribunal today nor has she communicated any reason for her nonattendance or to make representations to be considered.
6. Mr Jagpal for the respondent confirmed that in response to his enquiries yesterday he was able to confirm that no contact has been received from the claimant by the respondent or their representative in response to the respondents request for information. Mr Jagpal confirmed that he had no reason to expect the claimant's attendance at this hearing.
6. The Tribunal has made reasonable enquiries to contact the claimant by her contact telephone number to establish an understanding of the claimant's whereabouts and her intentions to attend the hearing or not. The claimant's telephone went to voicemail.
7. In light of the circumstances of this case, the claimant has failed to attend and failed to show cause why her claim should not be struck out I conclude that the claimant has failed to comply with the order made by Employment Judge Broughton on 8 December 2016 and there is not evidence before me to suggest that the complaint is not being actively pursued.
8. The claimant's complaint is struck out and is dismissed.

Employment Judge Dean
15 March 2017

Sent to the parties on:
15 March 2017
Helen Fearn