



EMPLOYMENT TRIBUNALS

Claimant: Miss C P Castel Colas

Respondent: Portland School of English

Heard at: Manchester

On: 15 October 2018

Before: Employment Judge Sharkett

REPRESENTATION:

Claimant: Not in attendance

Respondent: Not in attendance

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claims are not well founded and are dismissed

REASONS

- 2 The claimant brings claims for unlawful deduction of wages and a declaration of entitlement to a statutory redundancy payment.
- 3 Neither party was in attendance today.
- 4 In respect of the claimant's claim for the right to a redundancy payment. S136 provides that an employer shall pay a redundancy payment to any employee

that is dismissed by reason of redundancy. However, section 155 Employment Rights Act 1996 provides that an employee does not have the right to a redundancy payment unless they have been continuously employed by the respondent for a period of not less than two years ending with the relevant date.

- 5 On the basis of the documentary evidence provided by the claimant she was not employed by the respondent for two years when her employment terminated. The claimant was invited to give reasons why her claim should not be struck out but has failed to do so. She was not in attendance at the hearing today. The claimant has been unable to show that she is entitled to a redundancy payment and her claim must therefore fail.
- 6 The claimant has also brought a claim of unlawful deduction of wages. The Tribunal does not have sufficient evidence before it to establish what sums were properly payable to the claimant and what sums she received. On the basis of the information before it the Tribunal are unable to establish that an unlawful deduction has been made from the claimant's wages.
- 7 In the circumstances the Tribunal finds that the claimant's claims are not well-founded and are dismissed.

Employment Judge Sharkett

Date 01/11/2018

JUDGMENT SENT TO THE PARTIES ON

13 November 2018

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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