



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr P McCarthy

v

Cambridge Felt Roofing Limited

Heard at: Cambridge

On: 10 December 2018

Before: Employment Judge Tynan

Appearances

For the Claimant: No attendance and was not represented

For the Respondent: Mr O Westcott, Commercial Manager

JUDGMENT

1. The claimant's claim against the respondent is dismissed.

REASONS

1. On 24 January 2018, the claimant presented a claim form in which he claimed to be owed arrears of pay following the termination of his employment with the respondent on 31 October 2017. The claimant was employed by the respondent as a roofer.
2. He alleges at section 8.2 of his claim form that he has received no payment for the work he carried out for the respondent between 23 and 31 October 2017. In its response form, the respondent denies that monies are owed to the claimant, it states that it does not know when the claimant was at work, if at all, in the period in question and that it has requested evidence from the claimant of the work alleged to have been carried out by him to substantiate his claim. The respondent alleges that the claimant was frequently absent from work for long periods of time without authorisation.
3. The claim was originally due to be heard on Friday 28 September 2018, but was adjourned due to a lack of judicial resource. The parties were telephoned by the tribunal on 27 September 2018 advising them that the

hearing on 28 September 2018 would not go ahead, the postponement was confirmed in a letter to the parties dated 27 September 2018. The adjourned hearing was notified to the parties in a further letter from the tribunal dated 15 October 2018. I note that this letter was sent to the claimant at the address given by him on his claim form.

4. The claimant did not attend the tribunal on 10 December. Mr Oliver Westcott, a Commercial Director at the respondent attended on behalf of the respondent. He confirmed that the respondent had received the tribunal's letter dated 15 October within a couple of days of the date of the letter. Having made enquiries of the tribunal office, there is no record of the claimant contacting the tribunal to advise that he had a difficulty in attending the tribunal. I delayed commencing the hearing until 10:15 am in case the claimant was delayed and the tribunal clerk also made enquiries around the building and there was no sign of the claimant.
5. In the circumstances, being satisfied that notice of the hearing had been sent to the claimant at the address given by him for correspondence, there being no explanation for his non-attendance, I determined that the claim should be dismissed on the basis that it is not pursued by the claimant.

Employment Judge Tynan

Date: 16/01/2019

Sent to the parties on: 16/01/2019

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For the Tribunal Office