



EMPLOYMENT TRIBUNALS

BETWEEN:

and

Mr M Choudhury
Claimant

Stripestar Limited
Respondent

At a Hearing

Held at: Leicester

On: 28 February 2019

Before: Employment Judge Clark (Sitting Alone)

REPRESENTATION

For the Claimant:

Did not attend and was not represented

For the Respondent:

Mr Doyle, Solicitor

JUDGMENT

1. The claimant's claims of unauthorised deduction from wages, payment for accrued annual leave and breach of contract are **dismissed**.
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REASONS

1. The claimant was not in attendance by 10 am and I caused the start of the hearing to be put back to allow for a late arrival. The claimant was still not in attendance when the matter was called on at approximately 10:20. Shortly before then, I had asked the tribunal clerk to attempt to make contact with Mr Chowdhury by telephone. I was told that he was unable to make direct contact with him as the only telephone number provided by the claimant was diverting straight to voicemail.

2. I reviewed the file and satisfied myself that the notice of today's hearing had been sent to the claimant. I noted the contact details were correct and that it had been sent by email to the email address provided by the claimant. Moreover, it was sent only 5 days after the claimant had himself emailed into the tribunal using that same email address in order to give his dates to avoid. I was therefore satisfied that the claimant was aware he could contact the tribunal by email should he have subsequently encountered difficulties with today's listing. I further explored with the respondent's solicitor the extent of any contact that he had had with the claimant in preparation for the final hearing and in compliance with the case management orders made by EJ Hutchinson. The claimant had not provided a witness statement as ordered but had emailed the respondent's solicitor a number of times following that hearing. The last such email was on 23 November 2018.

3. I concluded that it was appropriate for the hearing to continue and invited an application as to how the respondent felt was appropriate to proceed. The respondent sought an order dismissing the claim under rule 47 of schedule 1 of the Employment Tribunal's (Constitution and Rules of Procedure) Regulations 2013. In view of the fact that the respondent indicated it did not intend to make any subsequent application, in which case I would have been inclined to proceed to hear evidence, I agreed and dismissed the claims.

EMPLOYMENT JUDGE.... R J Clark

DATE 28 February 2019

JUDGMENT SENT TO THE PARTIES ON

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AND ENTERED IN THE REGISTER

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FOR SECRETARY OF THE TRIBUNALS