

## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4123235/2018**

5 **Craig Cunningham**

**Claimant**

**McTears Contracts Ltd**

**Respondent**

### **JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

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The judgment of the Tribunal is that the claims for deduction of wages and holiday pay are dismissed under Rule 47 for failure to attend.

### **REASONS**

#### **Introduction**

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1. The Claimant presented a complaint of unlawful deduction from wages and holiday pay. The Respondent did not submit a response or enter an appearance.

2. The Claimant was asked to specify the sums sought and how these were calculated. No response was provided.

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3. A final hearing was listed for 6 February. The Claimant failed to attend or be represented or to seek a postponement. The Tribunal Clerk made unsuccessful attempts to contact the Claimant to determine his intentions.

4. In light of the above it appears that the Claimant is no longer pursuing his claim and that it falls to be dismissed under Rule 47 of the Employment  
Tribunals Rules of Procedure 2013.

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5. If there is good cause for the failure of the Claimant and / or his representative to appear or be represented at this hearing and the failure to seek a postponement, he can seek reconsideration of this Dismissal Judgment under Rule 70, within 14 days of the date of this Judgment being issued to  
both parties.

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Employment Judge: Michelle Sutherland  
Date of Judgement: 06 February 2019  
Entered in register: 08 February 2019  
And copied to parties

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