



# EMPLOYMENT TRIBUNALS

**Claimant****Respondent**

Mr A Hesketh

v

Used Machinery Trader Limited

**Heard at:** Cambridge

**On:** 18 April 2019

**Before:** Employment Judge Tynan

**Appearances**

**For the Claimant:** In person

**For the Respondent:** Not represented and did not attend

## RECONSIDERATION JUDGMENT

On reconsideration of the Judgment dated 7 January 2019, sent to the parties on 23 January 2019, the Judgment is confirmed.

## REASONS

1. By a Judgment dated 7 January 2019 sent to the parties on 23 January 2019, the Employment Tribunal declared that the respondent had made an unauthorised deduction from the claimant's wages and ordered it to pay the claimant the net sum of **£750**.
2. On 1 February 2019, Mr Ross MacLeod of the respondent emailed the Tribunal, questioning the judgment and stating that the claimant had never worked for the respondent. In his email he said that the respondent had merely assisted another firm Vidas Bodyworks and that firm had employed the claimant. According to Mr MacLeod his company rents buildings to Vidas Bodyworks. They became involved in the claimant's recruitment as Vidas Bodyworks is owned by an unidentified Lithuanian man, there are certain language issues when he employs people.
3. Mr MacLeod did not explain in his email of 1 February why the respondent had not filed a completed response form with the Tribunal by 30 October 2018.

4. Mr MacLeod did not attend the Tribunal on 18 April 2019 and the respondent was not otherwise represented. The claimant did attend and confirmed that he had received notice of the hearing both by email and by post. He confirmed that the postal copy of the notice had been received by him in early April. I am satisfied that notice of the hearing was sent out to both parties and conclude that the respondent has simply chosen not to attend the Tribunal.
5. The claimant also brought with him to the Tribunal a copy of a bank account statement which confirms that his wages in September 2018 were paid by the respondent. That is further evidence that he was in fact employed by the respondent and not by Vidas Bodyworks as the respondent has sought to suggest.
6. In the circumstances, I consider that it is not necessary in the interests of justice to reconsider the judgment dated 7 January 2019. Indeed, I conclude that the respondent has simply sought to delay payment to the claimant of sums properly due to him.

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Employment Judge Tynan

Date: 9 May 2019

Sent to the parties on: .....

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For the Tribunal Office