



**EMPLOYMENT TRIBUNAL**

**BETWEEN**

**CLAIMANT**

**AND**

**RESPONDENT**

**Mr B.H. Wlodarczyk**

**Shaul Bakeries Limited**

**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

**Held at: EXETER**

**On Monday, the 13<sup>th</sup> May 2019**

**Employment Judge: Mr D. Harris (sitting alone)**

**Representation:**

**For the Claimant:**

**No attendance**

**For the Respondent:**

**No attendance**

**JUDGMENT**

**The Claimant's claim against the Respondent shall be dismissed.**

## **REASONS**

1. The Tribunal began the hearing by reminding itself of the provisions of Rule 47 of the Employment Tribunal's Rules of Procedure, which state as follows: -

**If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.**

2. The Tribunal noted that judgment in default had been entered against the Respondent and that no application had been made by the Respondent to set aside the judgment. The Tribunal further noted a recent letter from the Claimant in which he indicated that he did not intend to attend the hearing today because he was in work. Having noted those matters, the Tribunal took the view that further inquiries as to the reasons why the Claimant and the Respondent had not attended the hearing today were not required.
3. Having considered the information made available to the Tribunal from the Tribunal's file, it appeared that the Respondent had paid the monies that were owing to the Claimant following the termination of his employment with the Respondent by way of resignation. It appeared that the monies had been paid by the Respondent to the Claimant in two instalments: the first during the early conciliation process involving ACAS and the second after the Employment Tribunal proceedings had been formally commenced. In the circumstances, it appeared to the Tribunal that the debt owed to the Claimant by the Respondent, being the subject matter of the claim, had been paid in full. Accordingly, the Claimant's claim against the Respondent shall be dismissed.

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**Employment Judge David Harris**

Dated: 13<sup>th</sup> May 2019

JUDGMENT SENT TO THE PARTIES ON

### **Online publication of judgments and reasons**

The Employment Tribunal is required to maintain a register of all judgments and written reasons. The register must be accessible to the public. It has recently been moved online. All judgments and written reasons since February 2017 are now available online and are therefore accessible to members of the public at:

<https://www.gov.uk/employment-tribunal-decisions>

The Employment Tribunal has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register once they have been placed there. If you consider that these documents should be anonymised in anyway prior to publication, you will need to apply to the Employment Tribunal for an order to that effect under Rule 50 of the Employment Tribunal's Rules of Procedure. Such an application would need to be copied to all other parties for comment and it would be carefully scrutinised by a Judge (where appropriate, with panel members) before deciding whether (and to what extent) anonymity should be granted to a party or a witness.