



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE C HYDE (sitting alone)

BETWEEN:

Claimant

MR G ASENSOH

AND

Respondent

RUSHCLIFFE GROUP SERVICES

ON: 26 September 2019

APPEARANCES:

For the Claimant: No attendance or representation

For the Respondent: Mr J Brandao, Owner

JUDGMENT

The Judgment of the Employment Tribunal is that:-

1. The claim was dismissed.

REASONS

1. Reasons are set out in writing only to the extent that the Tribunal considered it necessary to do so in order for the parties to understand

- why they have won or lost and in view of the fact that the Claimant did not attend and was not represented at the hearing. They are also set out only to the extent that it is proportionate to do so.
2. All findings of fact were reached on the balance of probabilities.
 3. By a claim form which was presented on 17 September 2018, the Claimant complained that he was owed arrears of pay and he also specified that there were other payments due to him.
 4. In the response and grounds of resistance dated 8 November 2018, the Respondent indicated that they disputed the claim and attached documents in support.
 5. The Claimant worked for the Respondent from 17 July to 3 September 2018 as a cleaner.
 6. The hearing had previously been listed on 9 January and 15 July 2019. On both occasions although the Claimant had applied for extensions of time, the case was taken out of the list due to a lack of judicial resources.
 7. Prior to the hearing on 26 September 2019, the Respondent applied for a postponement. However, as it appeared that the application had not been copied to the Claimant, the Tribunal informed the Respondent that no consideration could be given to his application as there was also insufficient time for the Claimant to have provided a response.
 8. The case continued and was listed at 2.00pm on 26 September 2019. Due to other judicial business, the case was not called on before Employment Judge Hyde until shortly before 3.00pm. By then the Claimant had still not arrived in the building and a search of emails and correspondence indicated that there had been no communication from the Claimant to the Tribunal about his attendance at the hearing.
 9. The Tribunal heard evidence from Mr Brandao and accepted his evidence consistent with the spreadsheet which he had sent with the response. The Tribunal accepted that he had cross-checked with other documents and also relied on his own direct knowledge of the Claimant's attendance at work in calculating the figures. He believed also that the Claimant was in error because he had based his claim on the figures after the deduction of the Child Maintenance Agency contributions.
 10. In any event, the burden of proving this case lay on the Claimant. As he was not present and had not adduced any evidence to support his claim the Tribunal considered that he had not discharged the burden. In any event, the Tribunal accepted the Respondent's case on the balance of probabilities. The claim was therefore not well founded and was

dismissed.

Public Access to Employment Tribunal Judgments

11. All judgments and written reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the Claimant(s) and Respondent(s) in a case.

Employment Judge Hyde

Dated: 16 October 2019