



EMPLOYMENT TRIBUNALS

Claimant: Mr C Grant
Respondent: DW Contractors (Oxford) Limited
Heard at: Reading **On: 12 November 2019**
Before: Employment Judge Gumbiti-Zimuto

Appearances

For the Claimant: Not attending (12/11/2019 email application for p/p)
For the Respondent: Mr I Prince (Director)

JUDGMENT

1. The application for a postponement is refused.
2. The claim for notice pay and holiday pay is dismissed.

REASONS

1. In a claim form presented on the 17 January 2019 the claimant made a complaint of unpaid notice pay and holiday pay. The claim form contained what appeared to be two obvious errors. The first was that the claim form gave his former place of work as his address and the second is that the claimant named two of the respondent's employees as the respondent.
2. On its face the claim form should have been rejected by reason of Rule 12 (1) (f) which provides that a claim form should be rejected where the claim is one where it is one which institutes relevant proceedings and the name of the respondent on the claim form is not the same as the name of the prospective respondent on the early conciliation certificate to which the early conciliation number relates. The name of the early conciliation certificate is DW Support Services (a trading name for the respondent) and the name of the respondent on the claimant is "Liz Mannion/Ian Prince".
3. The claimant was written to by the Tribunal on the 3 February 2019. The letter was sent to the claimant by email using the email address provided by the claimant on the claim form. The claimant had indicated on the claim form that that he preferred to be contacted by email. The letter asked the claimant to clarify his address. There was no response to the letter.

4. Notice of a claim and notice of hearing was sent to the claimant and the respondent on 5 February 2019. The letter was addressed to the address given by the claimant on the claim form (his employer's address) and should have been sent to the claimant by email.
5. On 4 March 2019 the respondent completed a response to the claim denying that the claimant is entitled to the remedy claimed.
6. In accordance with the common practise of the Employment Tribunal at Reading the listing team attempt to contact the claimant on the day before the hearing by telephone on the telephone number provided by the claimant. The telephone rang out without an answer. An email was then sent to the claimant's email address at 13:35:58 on 11 November 2019 asking the claimant to confirm his attendance at the hearing listed to take place on 12 November 2019 commencing at 10 am.
7. The respondent was contacted and confirmed that it would be attending.
8. The claimant sent an email to the employment on 12 November 2019 at 10:04 am. The email read as follows: *"This is quite short notice and cannot attend please reschedule."*
9. The respondent's representative was asked whether he would agree to a postponement. Mr Prince stated that he wished to go ahead with the hearing.
10. I took note of the fact that Rule 47 provides that 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.
11. I considered the application for a postponement and refused it because the claimant had been sent notice of the hearing in February 2019, the claimant had been contacted by hi preferred method of communication and had failed to respond to the employment tribunal's communication.
12. I heard evidence from Mr Prince who informed me that the claimant was paid his wages for all the days that he worked before his employment terminated and that the claimant was also paid notice pay. The claimant it was stated had been paid his holiday pay. The claimant was not entitled to any sums from the respondent.
13. The relevant figures outlined by Mr Prince were that he claimant was paid £1661.52 for his work up to 23 November 2018; the claimant was paid notice pay of £692.30 (the claimant was only entitled to 1 week notice); the claimant was paid for 4.5 days of holiday; the claimant had taken 2 days holiday (10 September 2018 and 2 October 2018) out of an accrued total of 6.5 days holiday.
14. I also considered the claimant's claim form and noted that it gave no detailed information supporting the claimant's claim.

15. On the information before me I dismissed the claim.

Employment Judge Gumbiti-Zimuto
Date: 12 November 2019

Sent to the parties on: ...28.11.19.....

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For the Tribunals Office

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