



EMPLOYMENT TRIBUNALS

Claimant: Mr D Johnson

Respondent: Ferguson Cleaning Services Limited

HELD AT: Manchester

ON: 7 February 2020

BEFORE: Employment Judge Holmes

REPRESENTATION:

Claimant: Not in attendance or represented

Respondent: Mr C Bennison , Counsel

JUDGMENT

The judgment of the Tribunal is that the claimant's claims are dismissed pursuant to rule 47 of the 2013 Rules of Procedure.

REASONS

1. The Tribunal today was listed to hear the final hearing of the claimant's complaint of unlawful deduction from wages. Notice of Hearing was sent to the parties on 23 November 2019.
2. The case was called on at 10.10 a.m., but the claimant had not attended, whilst the respondent had, and was represented by Mr Bennison of counsel.
3. When the hearing commenced Mr Bennison invited the Tribunal to strike out the claimant's claims under rule 47 of the Tribunal's rules of procedure. He informed the Tribunal that the respondent's representatives had been trying to communicate with the claimant in advance of the hearing in relation to the documents and the bundle. He had not responded. Further, attempts had been made to communicate with the claimant through ACAS, but these too have not elicited any response.
4. In these circumstances Mr Bennison invited the Tribunal to exercise the power it has to dismiss the claimant's claims under rule 47 of the Tribunal's rules of

procedure. This rule provides that , if that party does not attend or is represented at the hearing, provided that the Tribunal has first considered all the information which is available to it , after any enquiries that may be practicable about the reason for the party's absence, the Tribunal may dismiss the claim.

5. Having made these enquiries of the respondent, and having no explanation from the claimant for his absence, and the lack of any participation in preparation for the hearing, the Employment Judge was minded to dismiss the claimant's claims, and did so.

6. The respondent has reserved its position as to costs. No formal application was made at this hearing, but if the respondent is to make one, it should be made in accordance with rule 77 , and provide a breakdown of the costs claimed .

7. In these circumstances, there was no more the Tribunal could achieve in this hearing, and it was concluded.

Employment Judge Holmes

Date: 7 February 2020

JUDGMENT AND REASONS SENT TO THE PARTIES ON

18 February 2020

FOR THE TRIBUNAL OFFICE