



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss S Mullings

v

Christie Singham

Heard at: Watford

On: 26 February 2020

Before: Employment Judge Palmer

Appearances

For the Claimant: In person

For the Respondent: In person

JUDGMENT

1. The claimant's claims are struck out as she failed to comply with the Employment Tribunal order of 9 January 2020.
2. The claimant's application for an adjournment is refused.

REASONS

1. The claimant's claims, which were accepted by the Tribunal, are for arrears of pay and holiday pay. However, it was not possible, from the claim form, to understand how these claims were calculated.
2. On 30 November 2019 Employment Judge Lewis instructed the claimant, by 16 December 2019, to provide a table showing the net sums she was claiming and how they were calculated. There was no response.
3. On 9 January 2020 Employment Judge Manley ordered that:

“Unless by the 16 January 2020 the claimant replies to the Employment Tribunal's letter of 30 November (copy enclosed) the claim will stand dismissed without further order.”
4. There was no response from the claimant.
5. A further letter, from Employment Judge Foxwell, was sent to the claimant on 8 February stating:

“Please provide the table showing the sums claimed and how they are calculated as directed by the Tribunal’s letter of 30 November 2019. Please reply by **17 February.**”

6. On 17 February 2020 the claimant responded with an email saying:

“I refer to the set wages that was agreed upon by Mr Singham of £28,000 per annum. To where he only paid me £500 per annum over a course of 3 months. Then fabrication of payslips and receiving money cash in hand which was not the case. Declaring earnings that I never received.”
7. This email did not provide the information required by the tribunal. The claimant did not comply with the ‘Unless Order’.
8. The Hearing of this matter was fixed for one hour on the basis that the claimant would provide the information ordered by the Tribunal.
9. The claimant called the tribunal at about 10am to say that she had to go and see her grandfather who was about to pass away. She asked for the case to be adjourned.
10. Mr Singham appeared for the respondent and objected to an adjournment, partly because he was not convinced this was the reason for the claimant’s absence.
11. The main reason for striking out the claim was the claimant’s failure to comply with the Tribunal’s order. However, as Mr Singham was present, I took the opportunity of hearing his evidence. He produced bank accounts which showed payments made to the claimant which are the same as those set out in Mr Pawel Janakiewicz’s witness statement. He explained that the reason the payments were less than the salary of £28,000 was that the claimant did not work the hours set out in her contract so that she was paid on a pro rata basis. The last payment of £1,200 included two weeks’ holiday. He did not understand the basis of the claimant’s claims.
12. I accept the evidence provided by Mr Singham and on this basis, as well, I would dismiss the claimant’s claims. The claimant has not proved that she is owed outstanding salary or holiday pay.

Employment Judge Palmer

Date: ...26/02/2020

Sent to the parties on:

.....05/03/2020

For the Tribunal Office