



EMPLOYMENT TRIBUNALS

Claimant: Mr G Kucinskas

Respondent: Maya Indian Cuisine

Heard at: Reading **On: 25 February 2020**

Before: Employment Judge Gumbiti-Zimuto

Appearances
For the Claimant: Not attending and not represented
For the Respondent: Not attending and not represented

JUDGMENT

The claim is dismissed.

REASONS

1. The claimant presented complaint on the 2 April 2019 claiming that he was owed unpaid wages, holiday pay and was unfairly dismissed. The claimant's claim of unfair dismissal was not accepted because the claimant did not have two years qualifying employment.
2. The respondent defended the claim stating that the claimant was not dismissed he had gone absent without leave from the 6 March 2019 and never gave notice of termination of his employment. The respondent states that the claimant was paid all he was owed in wages.
3. The parties were sent a notice of today's hearing on 17 April 2019, and on the 2 June 2019 a case management order setting out directions for the preparation for the hearing.
4. On the 24 February 2020 employment tribunal office staff attempted to contact the parties to check on their attendance for the hearing today. There was no contact made with either party.
5. The parties did not attend at and were not represented at the hearing.

6. I have considered the employment tribunal file and note that there has been no communication with the employment tribunal office by either party since they presented respectively, the claim form and the response form.
7. Rule 47 of the Employment Tribunals Rules of Procedure 2013 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."
8. In the circumstances I am of the view that the claim should be dismissed, the claimant has not attended to prove his case which is denied in its entirety by the respondent.

Employment Judge Gumbiti-Zimuto

Date: 25 February 2020

Sent to the parties on:

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For the Tribunals Office

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All judgments and 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.