



EMPLOYMENT TRIBUNALS

Claimant: Ms D M Williams
Respondent: Royal Mail Group Limited
Heard at: East London Hearing Centre
On: 18 March 2020
Before: Employment Judge Gardiner

Representation

Claimant: No attendance
Respondent: No attendance

JUDGMENT

The judgment of the Tribunal is that:-

1. The Claimant's claim for unpaid holiday pay is dismissed.

REASONS

1 By a Claim Form issued on 25 October 2019 against her employer Royal Mail Group Limited, the Claimant claimed unpaid holiday pay, in relation to her current role as a Postwoman. Her Claim Form stated that the claim was for "the non payment of holiday pay for the week when I was off". She stated that this was a matter that had been raised in an internal grievance submitted on 8 July 2019. No sum was specified, nor was the any period identified to which the holiday pay claim related.

2 On 31 October 2019, Regional Employment Taylor asked the Claimant to confirm whether the claim was for unpaid holiday pay or that the holiday pay has not been correctly calculated. The response from the Claimant was sent on 5 November 2019, in a short email saying only : "I'm owed £854.77 in holiday pay". It was not copied to the

Respondent. No explanation was provided as to how this sum had been calculated. It was not an answer to Regional Employment Judge Taylor's question.

3 The due date for the Respondent to submit its Response was 16 December 2019. No response was received. The Respondent was told it was entitled to receive notice of any hearing but could only participate in any hearing to the extent permitted by the Employment Judge who heard the case. No subsequent application was made for an extension of time to present a Response.

4 Under the directions sent to both parties on 16 November 2019, both parties were notified that the Final Hearing would take place on 18 March 2020 at 2pm with a time estimate of 1 hour. This notification from the Tribunal made clear that no later than 4 weeks from the date of the letter (ie by 14 December 2019), the Claimant was to send a copy of a remedy calculation to the Respondent together with supporting documents and an explanation as to how the amount claimed is calculated. It is unclear whether that was done.

5 On 5 March 2020, the Tribunal sent a further document to the parties ordering the Claimant to provide to the Respondent and to the Tribunal by 16 March 2020 a Schedule of Loss setting out the amount that the Claimant was claiming and how the amount had been calculated. The Tribunal has received no document in compliance with that order, nor any application for that order to be varied or dispensed with.

6 In advance of today's scheduled hearing, there has been no communication from the Claimant or the Respondent to indicate that the dispute has been settled or to request that the Final Hearing should be postponed, for whatever reason. The last communication from the Claimant with the Tribunal was the short email, quoted above, on 5 November 2019. That is four and a half months ago.

7 In those circumstances, without any postponement application, it was appropriate for the Final Hearing to proceed as scheduled. Despite the Tribunal's previous directions, there is no evidence before me in support of the Claimant's claim. The burden of proof is on the Claimant to prove her claim on the balance of probabilities. She has failed to do so. As a result, her claim must be dismissed.

**Employment Judge Gardiner
Date: 18 March 2020**