



EMPLOYMENT TRIBUNALS

Claimant: Mr M Gardiner

Respondent: Amalgamated Lifts Limited

Heard at: Croydon **On:** 5 February 2020

Before: Employment Judge Fowell

Representation:

Claimant: No appearance

Respondent: No appearance

JUDGMENT

The complaint of unlawful deduction from wages is dismissed

REASONS

1. Neither party attended the hearing, details of which was sent to them by the Tribunal on 23 September 2019.
2. That notice of hearing enclosed a copy of the response form, which was duly completed and sent to the tribunal on 21 October 2019. The respondent therefore had notice of the hearing date.
3. On contacting the respondent's named contact, Mr Brand, it appears that he did not understand that anything further was required on the company's part and had overlooked the notice of hearing.
4. It was not possible to contact the claimant as he did not give his address or phone number on the claim form. He had instead mistakenly provided the contact details for the respondent. It follows that the claim ought not to have been accepted by

the tribunal at the outset.

5. His address was however obtained from the ACAS early conciliation certificate, so that notice of the hearing could be served on him.
6. The notice of hearing also gave directions for the claimant to provide a written statement of the compensation he was seeking and any evidence or documentation supporting his claim. No such evidence has been received.
7. The Employment Tribunal Rules of Procedure provide, at rule 47:

"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. Having made such enquiries, as noted above, and in the absence of any evidence or attendance on either side, the claim is dismissed. Despite the fact that both parties failed to attend, ultimately it is for the claimant to pursue his claim, and he has failed to do so.

Employment Judge Fowell

Date 5 February 2020