



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss L Hall

**Respondent:** Cygnet Events Ltd

## JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

**1. The claim of unlawful deduction of wages (arrears of pay) against the Respondent is well-founded. The Respondent is ordered to pay to the Claimant the gross sum of £855.**

## REASONS

1. The claimant was employed by the Respondent as a train conductor for just over 1 month. Her employment was terminated on 04 August 2019. At the date of termination she was owed all of her wages which came to a total of £855. The Claim was issued against Maurice Duffy. No response was returned.
2. Under rule 21 of the Tribunal Rules of Procedure 2013, where on the expiry of the time limit in rule 16 no response has been presented and no application for a reconsideration is outstanding, an employment Judge shall decide whether on the available material, a determination can properly be made of the claim or part of it. If there is, the judge shall issue a judgment, otherwise a hearing must be fixed before a judge alone. As no response was served by the Respondent and as there were 5 other claimants all of whom claimed against companies of which Mr Duffy was director, all 6 claims were listed before me on 24 March 2020. The key issue appeared to be the identification of the correct respondent.
3. Mr Duffy attended that telephone hearing. Although no response had been received in respect of any of those cases, he was given permission by me to make observations at the hearing and which were reflected in the case management summary subsequently sent to the parties. Mr Duffy confirmed that none of the sums claimed was in dispute. However, he maintained that he did not employ Ms Hall and that she was employed by Cygnet Events Ltd. Ms Hall was not in attendance at that hearing. However, she subsequently confirmed Cygnet Events Ltd to be her employer. Proceedings had to be

re-served on Cygnet Events Ltd. They were duly served with a response date of 17 July 2020. However, the Respondent did not return a response.

4. I was satisfied, following the preliminary hearing as to the correct identity of the employer and that Ms Hall was due her wages at the rate of £7.50 an hour in respect of 114 hours of work. I considered that I had sufficient information to enable me to issue a judgment and was satisfied that the sums claimed were not in dispute. Therefore, I was satisfied that there was sufficient material to enable me to determine the claims as above.

Employment Judge **Sweeney**

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Date: 24 August 2020