



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss O Ditta

v

Aspire Care (LAL) Limited

Heard at: Cambridge

On: 28 August 2020

Before: Employment Judge K J Palmer

Appearances

For the Claimant: Did not attend and was not represented

For the Respondent: Did not attend and was not represented

JUDGMENT Pursuant to a CVP Hearing

It is the Judgment of this Tribunal that the Claimant's claim is struck out under Rule 37 of the Employment Tribunals Rules of Procedure 2013.

REASONS

1. This matter came before me today as a Full Merits Hearing of the Claimant's claims for unlawful deduction of wages, notice pay or wrongful dismissal and a breach of Section 10 of the Employment Relations Act 1999.
2. The Hearing was due to take place via the Cloud Video Platform ("CVP") at the Cambridge Employment Tribunal.
3. I had before me essential papers relating to the Claimant's claim, namely the ET1 and the ET3.
4. The Claimant was employed as a Senior Therapeutic Care Advisor between 3 January 2017 and 6 September 2018, when she was dismissed purportedly by reason of misconduct.
5. The Claimant presented a claim to the Watford Employment Tribunal on 18 December 2018. In that claim the Claimant seeks unlawful deduction of wages amounting to one day's pay and one day's accrued untaken

holiday pay on termination. She also seeks an award pursuant to a failure to permit her to be accompanied at a disciplinary hearing under Section 10 of the Employment Rights Act 1996. She also seeks notice pay which she says she was not paid.

6. The Respondent filed an ET3 and a Hearing was fixed for today to be heard by Cloud Video Platform.
7. The Tribunal received communication from the Respondents that they were closing their business on 30 April 2020 and indicated therefore that they would not be attending today's Hearing.
8. Moreover, the Tribunal also received information from those instructed by the Claimant initially that they were no longer instructed and were to be removed from the records. They gave an email address to which the Tribunal has sent details of today's CVP Hearing to the Claimant.
9. Sadly, at the appointed time this morning, neither party has attended this CVP Hearing.
10. It was to be expected that the Respondent would not attend, but there has been no attendance by the Claimant.
11. One of the difficulties with the Claimant's claim is that no details of income were provided, therefore it would not under any circumstances on the papers before me, have been possible to determine any amount which the Claimant was claiming under the various headings of her claim.
12. Reluctantly, therefore, I am drawn to the conclusion that the Claimant's failure to attend today constitutes a failure to actively pursue her claim under Rule 37(1)(d) of the Employment Tribunals Rules of Procedure 2013.
13. I therefore determine that the Claimant's claim is struck out and therefore dismissed.

Employment Judge K J Palmer

Date: 9 September 2020

Sent to the parties on:

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For the Tribunal Office