



## EMPLOYMENT TRIBUNALS

Claimant

Respondent

**Mr C Tobin**

**v Panoramic Group Limited**

This has been a hearing on the papers directed by me but to which no party objected or sought a hearing.

Upon the claimant's application for a preparation time order presented on 14 September 2020 and in the absence of a response:

## JUDGMENT

The respondent shall pay to the claimant the sum of £120 in respect of the time he has spent pursuing his unlawful deductions from wages complaint, the defence to which was always misconceived.

## REASONS

1. On 3 September 2020 I determined the claimant's claim at a video hearing which the respondent did not attend. Its finance director had sent in a helpful set of documentation to identify the payments which had been made and the aspects in dispute. The essential dispute was over the claimant's pay for his last working week, in respect of which the respondent made an unlawful deduction alleging, in effect, that he did not do any work and was absent. I conclude from the respondent's failure to attend the video hearing to explain its position that it always knew it would lose this aspect of the case, and that the deduction was, in effect, a "try on", by an employer which recognised it had made a mistake and was aggrieved at having to pay the claimant anything at all.
2. On 14 September 2020 the claimant presented an application for six hours' preparation time, including two hours attending the hearing. Costs of attending a hearing are not permitted (Rule 75 (2)). It is also the case that the claimant expanded his case to seek damages for earnings from the loss of another opportunity, missed by reason of this employment, which I also dismissed as misconceived.
3. It therefore seems proportionate to me to assess that a reasonable amount of time for a litigant in person to spend submitting and preparing for the hearing of his claim, but reduce that by an hour for the work on the speculative and unsuccessful part. The proportionate assessment is three hours. The respondent shall additionally pay to him £120.

Employment Judge JM Wade

Date: 23 October 2020