



# EMPLOYMENT TRIBUNALS

**Claimant:** Attila Hapak

**Respondent:** Sundance Partners Ltd (in administration)

**Heard at:** London South (by cvp)

**On:** 03 November 2020

**Before:** Employment Judge Housego

## Representation

**Claimant:** Adam Vargha

**Respondent:** Did not appear and was not represented

## JUDGMENT

**The claim is dismissed.**

## REASONS

1. The Respondent was placed into administration on 30 September 2020, in the High Court of Justice, Business & Property Courts of England & Wales, Insolvency and Companies List (ChD) CR-2020-003757. I amend the name of the Respondent accordingly.
2. Accordingly, there is an automatic stay unless that Court orders otherwise or the Administrators agree. At 10:47 today Udobi Nzelu of Antony Batty & Company LLP, of which firm the administrators are members, emailed the Tribunal to consent to the case (and this hearing) proceeding. They did not admit liability. Accordingly, I did not adjourn the case.
3. Mr Hapak's claim is that his contract was for a fixed salary with compulsory unpaid overtime, and that he was required to work so much overtime that his pay fell below National Minimum Wage Act levels, and he sought judgment of about £1,127 to take him to that minimum level of pay.
4. Mr Hapak was not in attendance, and his representative explained that he

was working.

5. I indicated that I had only the claim form and the response, filed before the Respondent went into administration. I did not have any calculation of the amount claimed, just an approximated estimate, and there was no evidence oral or documentary to support Mr Hapak's claim.
6. Mr Varga was not in possession of any evidence. I explained that the burden of proving a claim was on the claimant, and that required evidence in some form. As there was none, the claim could not succeed, and for that reason I dismissed it.

Employment Judge Housego

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Date 03 November 2020