



EMPLOYMENT TRIBUNALS

Claimant: Andrea Gabriele Bidotti

Respondent: Mimosa Foods Ltd in liquidation

Heard at: London South Employment Tribunal

On: 1 February 2021

Before: Employment Judge Keogh

Representation

Claimant: Not present or represented

Respondent: Not present or represented

JUDGMENT

1. The Claimant's claims for unlawful deduction from wages and failure to pay holiday pay are struck out for failure to comply with orders and for not being actively pursued.

REASONS

The Claimant in this matter brought proceedings by a claim form dated 26 July 2019 for unlawful deductions from wages and failure to pay holiday pay. A Response was entered however this was subsequently substituted with a response from the Liquidator to the Respondent.

A case management hearing was held on 23 November 2020. Neither party attended nor was represented. Employment Judge Street made case management orders including ordering the Claimant to provide to the Tribunal and to the Liquidator further particulars of his claim including a Schedule setting out the exact sums claimed, copies of payslips to show the sums paid over the period in dispute, his comments on the documents and explanations provided by the liquidator, and a list of all the days when he had taken holiday from 1 October 2018 until he left the Respondent's employment on 24 April 2019. This was due to be received by the Tribunal by 15 January 2021. Employment Judge Street noted at the end of the judgment that if the Claimant did not respond to the orders by 15 January 2021 the case may be decided on the evidence available at the hearing on 1 February 2021, or consideration may be given to striking out the claim either at or before the hearing on the basis of any failure to comply with orders given or because the claim

is no longer being actively pursued.

No correspondence has been received from the Claimant and the orders made by Employment Judge Street have not therefore been complied with.

The Claimant has not attended the final hearing today and is not represented. I have not received a bundle of documents or any witness statements from either party.

In the absence of the further information and evidence requested of the Claimant and in the absence of any agreement from the Respondent or the Liquidator it has not been possible today to ascertain the sums which might be due to the Claimant.

Having not attended or provided the further information requested the Claimant has failed actively to pursue his claim. He has not provided any reason for his absence today and there has been no application made for an adjournment.

In the circumstances this claim ought to be struck out for the failure to comply with the Order of Employment Judge Street made on 23 November 2020 and the failure actively to pursue the claim.

Employment Judge Keogh

Date 1 February 2021