



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4105150/2020

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Held via telephone conference on 27 November 2020

Employment Judge J Young

10 Mr Ryan Wilson

Claimant
No appearance and
No representation

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Raffaelles Italian Kitchen and Bar

Respondent
Represented by:
Ms L Colaluca

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is that the claim is dismissed.

REASONS

1. In this case the claimant presented a claim to the Employment Tribunal
25 complaining that he was due pay for holidays accrued to date of termination
of his employment but unpaid. He stated he had been paid £429.40 but was
due a further amount which he estimated at around £600. In its ET3
response the respondent explained there had been an error (and gave
reasons for it) and advised that a further payment of £429.40 would be paid
30 to satisfy the claim.
2. A preliminary hearing was fixed for 27 November 2020 to consider future
procedure in the claim.
3. On 23 October 2020 the Tribunal wrote to the claimant referring to the
hearing and asked if the payment had been made and if so whether the
35 claim could be withdrawn and dismissed. A response was requested by 30
October 2020. No response was made.
4. At the hearing no appearance was made by the claimant. The Tribunal Clerk
telephoned the contact number for the claimant but obtained no reply. Ms

Colaluca represented the respondent. She advised that she was the owner of the business and that there had been confusion with her accountant on the amount of holiday pay due to the claimant but the further payment of £429.40 had been paid to the claimant's bank account to settle matters. He had e mailed her to ask what the payment represented and she e mailed back to advise it was a further 2 weeks holiday pay due. No further exchange took place.

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5. In terms of rule 47 of the Tribunal Rules of Procedure if a party fails to attend a hearing a claim may be dismissed after considering any available information about the reasons for absence. In this case given the information that the claim had been settled and no response had been made to the letter of 23 October 2020 I considered that the reason for absence was that matters had been resolved and so dismiss the claim.

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15 Employment Judge: Jim Young
Date of Judgment: 29 November 2020
Entered in register: 01 December 2020
and copied to parties

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