



EMPLOYMENT TRIBUNALS

Claimant: C Abbott
Respondent: Timber Garden Buildings Limited

AT A HEARING

Heard at: Leeds by CVP video conferencing **On:** 3rd September 2021
Before: Employment Judge Lancaster

Representation

Claimant: Did not attend
Respondent: Ms S Hiles , HR director

Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 - rule 47

JUDGMENT

The title of the Respondent is amended from Timber Garden Buildings to Timber Garden Buildings Limited

The claim is dismissed.

REASONS

Although the Claimant was unfortunately sent the wrong PIN to join the CVP conference, he did not respond to telephone calls from the tribunal nor to an email providing the correct details to enable him to participate.

The case was due to start at 2pm. By 2.30 pm the Claimant had not made any attempt to contact the tribunal.

It appears therefore that he has made no effort to attend this hearing and that his claim is no longer actively pursued.

From the papers this claim (which could only be in time if it were brought as a breach of contract claim outstanding at the date of termination, 8th March 2021, and not for an alleged series of unauthorised deductions from wages throughout the period of employment up to January 2021) has, in any event, little or no reasonable prospect of success.

Case: 1803648/2021

The Claimant was paid for all the hours he actually worked. Although there were no written terms and conditions issued in respect of the current period of employment, he had worked for this Respondent previously. Under both his earlier written contract and also under the standard terms in operation during the later period covered by the oral agreement, there was an express clause allowing variation in hours and another permitting lay off if there was no work. It is not obviously therefore the case that the normal weekly hours, 40, were guaranteed so that he was entitled to paid in full irrespective of what he had in fact worked. Also as the variable payments had persisted over some 9 months, apparently without protest, he would seemingly have waived any breach of contract, if there were one.

EMPLOYMENT JUDGE LANCASTER

DATE 3rd September 2021

JUDGMENT SENT TO THE PARTIES ON

3 September 2021

AND ENTERED IN THE REGISTER

FOR SECRETARY OF THE TRIBUNALS

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