



EMPLOYMENT TRIBUNALS

Claimants: 1. Mr Ashraf Ali
2. Mr Md Anisuzzaman

Respondent: Sweet Hall Ltd

Heard at: East London Hearing Centre **On:** 17 December 2021

Before: Employment Judge O'Brien (sitting alone)

Representation:

Claimants: Did not attend and were not represented

Respondent: Did not attend and was not represented

JUDGMENT

The judgment of the Tribunal is that:

1. The claimants' claims for damages for breach of contract including wrongful dismissal fail and are dismissed.
2. The claimants' complaints of unauthorized deductions from wages fail and are dismissed.
3. The claimants' claims for payment in lieu of accrued but untaken holiday pay fail and are dismissed.

REASONS

1 On 30 June and 1 July 2021 respectively, the claimants presented complaints of wrongful dismissal, unauthorised deductions from wages and a failure to make a payment in lieu of accrued but untaken holiday. The respondent failed to respond to either of the claims.

2 The claimants' claims were consolidated on 28 July 2021 and the parties given notice of today's hearing to take place by telephone starting at 12 noon. No-one attended

and I asked my clerk to make contact with the parties. He was unable to contact the respondent or the claimants' representative but did speak to one of the claimants who said that he would pass the contact details on to the representative. Still no-one joined the call and I brought the hearing to a close at 1pm.

3 I was satisfied that the claimants' representative had been served with notice of today's hearing. No explanation was given for the representative's failure to attend on time or after prompting by my clerk. Neither of the claimants attended in his place to explain that failure. No explanation was forthcoming for the respondent's absence either. In the circumstances, I consider it in the interests of justice to decide the claim in the absence of both parties.

4 In each of the heads of claim, the claimants bear the burden of proving that they suffered the loss claimed. No evidence has been provided nor did the claimants attend to confirm the truth of the matters alleged in their claim forms. Consequently, I find that the complaints have not been made out and dismiss the claims.

**Employment Judge O'Brien
Dated: 17 December 2021**