



EMPLOYMENT TRIBUNALS

Claimant: Mrs A M Gaffing
First Respondent: Pals Packaging and Leisure Solutions Limited
Second Respondent: Food and Fuel Break Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claimant's complaints of unfair dismissal and unlawful deduction from wages against the second respondent (Food and Fuel Break Limited) are well-founded and succeed.
2. The public preliminary hearing listed for 11th March 2022 shall proceed as a remedy hearing, at which the employment judge will consider what, if any, compensation should be ordered to be paid by the second respondent to the claimant.
3. At that hearing the tribunal will consider whether any further judgment or orders should be made against the first respondent (Pals Packaging and Leisure Solutions Limited).

REASONS

1. On 17th December 2021 Employment Judge Loy made an "Unless Order" pursuant to Rule 38 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 against the second respondent Food and Fuel Break Limited. That order states:-

"Unless by 31st December 2021 the second respondent writes to the tribunal, copying in the claimant and the first respondent, to explain why it failed to attend the telephone preliminary hearing in this case at 14:00 on Thursday 16th December 2021, then a judgment under Rule 21 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 will be made without further reference to the second respondent or any employment judge."
2. As at today's date, the 6th January 2022, the second respondent has failed to comply with that order. The second respondent's response is therefore struck out and judgment is entered for the claimant against the second respondent in respect of her complaints of unfair dismissal and unlawful deduction from wages.
3. A public preliminary hearing is listed to take place on 11th March at 10.00am, at which the employment tribunal had intended to consider whether any further case management orders were required in this case. I order that hearing to be converted to a remedy hearing, at which the tribunal will consider what, if any, compensation should be awarded to the claimant and to be paid by the second respondent.

4. Also at that hearing, the tribunal will consider what, if any, further judgment or orders should be made concerning the first respondent.

Employment Judge Johnson

Date: 6 January 2022