



EMPLOYMENT TRIBUNALS

Claimant: Mr C Nicholls

Respondent: Obsidian Logistics Support Ltd

Heard at: London Central (remote public hearing via CVP videolink)

On: 03 May 2022

Before: Tribunal Judge Plowright acting as an Employment Judge (sitting alone)

Representation

For the Claimant: Does not appear and is not represented

For the Respondent: Does not appear and is not represented

JUDGMENT

The Judgment of the Tribunal is that:

1. The claim is dismissed pursuant to rule 47 of the Employment Tribunal Rules of Procedure 2013.

REASONS

1. This is a claim for unauthorized deduction of wages which was listed to be heard today at 11am. The claimant did not attend and he was not represented. There was no attendance from the respondent either.
2. On 07 March 2022, the respondent wrote to the tribunal stating that the outstanding amount owed to the claimant had been paid. On the same date, the

claimant wrote to the respondent indicating that he was owed more than what had been paid. On the same date, in response to the claimant's email, the respondent set out precisely how the outstanding amount had been calculated and indicated that if the claimant believed that he was entitled to more than the amount paid then evidence would need to be provided to prove this.

3. The tribunal wrote to the claimant on 25 April 2022 asking for confirmation by 12pm on 26 April 2022 that the outstanding amount had been paid and that the claim was now settled.
4. No reply was received from the claimant. However, on 27 April 2022, the respondent wrote to the tribunal and attached proof of payment to the claimant. The respondent also requested confirmation that the case was now closed.
5. There has however been no response from the claimant and so the case remained listed for hearing.
6. There was no attendance from the claimant or the respondent at 11am and so the tribunal staff attempted to telephone both the claimant and the respondent shortly after 11:00am but there was no reply. Emails were also sent to both the claimant and the respondent at 11:20am but there was no reply to those emails. At 12:50pm, I decided to proceed with the hearing.
7. The Tribunal has not had any contact from the claimant since 07 March 2022. A Notice of Hearing was sent to the claimant and the respondent on 11 March 2022 and I have no reason to believe that that the Notice of Hearing of 11 March 2022 did not reach the claimant. Instructions on how to join the CVP hearing were then emailed to the claimant on 29 April 2022. No explanation has been provided by the claimant for his non-attendance at today's hearing.
8. It appears that the claimant has decided not to pursue this claim. Rule 47 permits me to dismiss the claim in the absence of the claimant at a hearing and I consider that to be the just course to take.

DATE: 03/05/22

Tribunal Judge Plowright acting as an Employment Judge

Sent to the parties on:

03/05/2022

For the Tribunal: