



EMPLOYMENT TRIBUNALS

BETWEEN
AND

Claimant
Mr R Hale

Respondent
Dominos

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Birmingham ON 18 August 2022

EMPLOYMENT JUDGE GASKELL

Representation

For the Claimant: No Appearance
For the Respondents: No Appearance

JUDGMENT

Upon there being no attendance before the Tribunal by either party at the appointed time and upon the Tribunal considering the information on the tribunal file.

The judgment of the tribunal is that: -

Pursuant to Rule 47 of the Employment Tribunals Rules of Procedure 2013, the claimant's claim for unpaid holiday pay is dismissed.

REASONS

1 By a claim form presented to the tribunal on 5 April 2022, the claimant, Mr Ryan Hale, claims that he was employed by the respondent, Dominos, as a Driver from 1 October 2021 until his resignation on 12 February 2022. By his claim form, the claimant claims that there is accrued holiday pay due to him which has not been paid. The amount claimed has not been quantified.

2 The claim form names a single respondent "Dominos", and gives a business address of Block L, Bay 4, Mill Race Lane, Stourbridge, West Midlands, DY8 1JN. The ACAS Early Conciliation Certificate provided with the claim form gives respondents details as Dominos Pizza Group Limited, 1 Thornbury, West Ashland, Milton Keynes, MK6 4BB. It appears from the file that the claim form has been served at both addresses but no responses have been received.

3 On 19 April 2022, the tribunal received an email from Ms Samantha Shaw - People Administrator of Domino's Pizza UK and Ireland Limited. Ms Shaw explained in her email that her company had received a copy of the claim form, but upon checking its records she was able to inform the tribunal that the claimant had never been employed by her company. She stated that it was likely that the claimant had been employed by a franchisee operating one or more outlets under the Dominos brand. Domino's Pizza UK and Ireland Limited had no obligation under the Rules to file a response to the claim as that company is not named as a respondent in the claim form.

4 Following receipt of Ms Shaw's letter, on 5 August 2022, Legal Officer Metcalfe directed the tribunal to ask for the claimant's comments as to the identity of the respondent. The claimant was advised that "Dominos" appeared to be a trading name and asked the claimant to provide further information as to the identity of his employer. The tribunal explained that if it was a limited company the employer's name would end with Ltd or Plc; or alternatively, if the employer was an individual or a partnership then the owners of the business should be named. The claimant was asked to reply by 12 August 2022 but has not done so.

5 As long ago as 12 April 2022, the claimant was ordered to provide a Schedule of Loss showing his calculation of what he claims is outstanding. This was to be provided to the respondent and to the tribunal by 10 May 2022, but the claimant has not complied.

6 Today's hearing date was fixed and notified to the parties by a letter which was also dated 12 April 2022. The claimant was directed to provide a witness statement which should be lodged with the tribunal in advance of today's hearing. The claimant has not complied with this Order either.

7 I was unsurprised by the non-appearance of a respondent today as it would appear that no valid respondent has been identified or served with the claim. I had hoped to discuss this further with the claimant.

8 When the claimant did not join the video-conference I directed a member of tribunal staff to contact him. He informed the staff member that he had forgotten about today's hearing. When invited to join and discuss the situation with the Judge, the claimant stated that he was in no fit state to do so. He did not elaborate; he did not apply for a postponement; and has provided no medical evidence which would justify a postponement.

9 Accordingly, having considered the file in detail, and in the light of the history set out above including the claimant's non-compliance with previous tribunal Orders, in the light of the claimant's failure to attend today, pursuant to Rule 47 of the Employment Tribunals Rules of Procedure 2013, I direct that the claim is struck out and dismissed.

Employment Judge Gaskell
18 August 2022