



EMPLOYMENT TRIBUNALS

Claimant: Mr M Ibrahim

Respondent: Mach Recruitment Limited

JUDGMENT having been sent to the parties and reasons having been requested in accordance with Rule 62(3) of Schedule 1, The Employment Tribunal Rules of Procedure of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013.

REASONS

1. The claimant issued proceedings on 6 August 2020 after a period of ACAS Early Conciliation from 6 July 2020 to 6 August 2020.
2. The Claim Form indicated that the claimant was a warehouse operative, employed since 27 June 2019 and that at the date he issued proceedings his work or employment was continuing. In his details of complaint, the claimant contended that he was owed money from furlough which the Employment Tribunal took to be a wages claim.
3. The claim was acknowledged on 3 September 2020 and the Notice of a Claim was sent to the respondent at the address given the Claim Form. The Notice of Claim highlighted that the respondent must complete a Response form and submit this to the Tribunal by 1 October 2020, if they wanted to defend the claim.
4. No Response was received within the time limit specified, but the Claim Form and Notice of Claim was subsequently returned "no longer at address". The Employment Tribunal thereupon re-served the claim on the respondent's registered office. A further Notice of Claim specified that a response must be received by 19 January 2021. No Response was received to that claim.
5. On 29 June 2021 the respondent (at its registered address) was copied into correspondence which stated that an Employment Judge was considering entering a Judgement under rule 21 of the Employment Rules of Procedure 2013 but that she wanted to know how much wages the claimant was claiming and how this was calculated. The Judge asked a number of very specific questions. Notwithstanding that the respondent was not copied into this correspondence, it still did not engage with the Tribunal.

6. The claimant then set out the basis of his wages calculation in his letter dated 6 July 2021. The claimant calculated his losses at 2 weeks shortfall of £541.34 plus 10 weeks at £391.00. This gave a total a total of £541.34 plus £3,910 which equalled £4,451.34.
7. I took these figures to be a claim of unpaid wages pursuant to s13 Employment Rights Act 1996. I determined that the figures quoted by the claimant to be gross amounts (so that they might be liable for tax and National Insurance, if appropriate). I understood the claimant's rationale for the claims claim of unpaid wages.
8. A Response had not been sent to the Employment Tribunal within the time limit permitted or even later so there was no defence. As there was no other form of engagement from the respondent I was not troubled about the respondent's lack of input.
9. There was no Response to the claim nor has there been any correspondence from the claimant, so on 14 September 2021 I gave a Judgement pursuant to rule 21 for the amount of £4,451.34.

Employment Judge Tobin

Date: 8 September 2022

REASONS SENT TO THE PARTIES ON

9 September 2022

FOR THE TRIBUNAL OFFICE