



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondent

Mr Nicholas Day

v

Secretary of State for Justice

**Heard at:**

Cambridge

**On:** 2 August 2022

**Before:**

Employment Judge Ord

## Appearances

**For the Claimants:**

Did not attend and was not represented

**For the Respondent:**

Mr T Kirk, Counsel

## JUDGMENT

The Claimant's claim is dismissed.

## REASONS

1. This matter came before me today for a Final Hearing at 10am on 2 August 2022.
2. The Claimant had previously asked for the case to be heard by CVP (Cloud Video Platform) which had been rejected by Employment Judge M Warren.
3. The Claimant emailed the Respondent early this morning to say that he could not attend the Hearing because his daughter had contracted the Covid virus.
4. The administration sent an email by way of reply to the Claimant advising him that the case could be heard by CVP at 11am and asking him to confirm so that a link could be sent to him.
5. No response was received from the Claimant.
6. In the circumstances, the burden of proof in this case lying on the Claimant and having considered the witness statement of Mr Kupczyk, Custodial Manager, explaining the reason for and the lawfulness of the deductions made from the Claimant's final salary; further, considering that the

Claimant had failed to provide a witness statement or to engage in the process to date, I was satisfied that:-

- 6.1 the claim was not being actively pursued; and
  - 6.2 the claim had no reasonable prospects of success.
7. On that basis the claim was struck out.

26 August 2022

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Employment Judge Ord

Sent to the parties on: 14 September 2022.

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For the Tribunal Office