



EMPLOYMENT TRIBUNALS

Claimant: Alvydas Siautilas

Respondents: Laws Transport Limited

Record of a Full Hearing heard by CVP at the Employment Tribunal

Heard at: Nottingham

On: 3 October 2022

Before: Employment Judge Blackwell (sitting alone)

Representation

Claimant: No attendance

Respondent: Mr M Law, Managing Director

JUDGMENT

1. The Claimant's claim for a redundancy payment is dismissed because the Claimant does not have the requisite continuity of employment required by section 155 of the Employment Rights Act 1996.
2. The Claimant's claims of unlawful deduction from wages and breach of contract are struck out pursuant to Rule 37 of the First Schedule of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.

REASONS

1. Mr Siautilas did not attend and was not represented. The Respondents were represented by their Managing Director, Mr M Law.
2. This case was set down for a hearing by CVP commencing at 10.00am. Mr Siautilas did not join the hearing. He was contacted by the Tribunal on his mobile telephone number. He informed the Tribunal that he had found work and that he was actually driving a lorry at the time of contact by the Tribunal. Mr Siautilas also made it clear that he did not propose to join the hearing.
3. Mr Siautilas originally brought 3 claims the first being of unfair dismissal was struck out by a Judgment sent to the parties on 22 September on the grounds that Mr Siautilas did not have the necessary qualifying service. The same procedure could have been adopted for his redundancy payment claim but was not.
4. That leaves outstanding claims which Mr Siautilas in his claim form summarises as the Respondent's having failed to pay him his wages for the 7 days he worked for the Respondent.
5. By an order of the Tribunal dated 18 July Mr Siautilas was required by 22 August to provide inter alia "A document that sets out exactly how much he is claiming and shows how it is calculated". Mr Siautilas did not comply with that order.
6. Thus, Mr Siautilas has failed to comply both with an order to provide a schedule of loss and has failed to attend upon today's hearing without any prior explanation as to that failure.
7. In those circumstances I propose to strike out Mr Siautilas's claims of breach of contract/unlawful deduction from wages in accordance with Rule 37 of the First Schedule of the 2013 Regulations.

"Striking out

37.—(1) At any stage of the proceedings, either on its own initiative or on the application of a party, a Tribunal may strike out all or part of a claim or response on any of the following grounds—

(a) that it is scandalous or vexatious or has no reasonable prospect of success;

(b) that the manner in which the proceedings have been conducted by or on behalf of the claimant or the respondent (as the case may be) has been scandalous, unreasonable or vexatious;

(c) for non-compliance with any of these Rules or with an order of the Tribunal;

(d) that it has not been actively pursued;

(e) that the Tribunal considers that it is no longer possible to have a fair hearing in respect of the claim or response (or the part to be struck out).

(2) A claim or response may not be struck out unless the party in question has been given a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing.

(3) Where a response is struck out, the effect shall be as if no response had been presented, as set out in rule 21 above.”

And in particular 37(1)(c) and (d).

Employment Judge Blackwell

Date: 5 October 2022

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