



EMPLOYMENT TRIBUNALS

Claimant

Mr B Green

Respondent

King's Hotel Limited

v

Heard at: Watford

On: 7 November 2022

Before: Employment Judge Hyams, sitting alone

Appearances:

For the claimant:

Not present or represented

For the respondent:

Not present or represented

JUDGMENT

The claimants' claims are dismissed.

REASONS

- 1 The claimant's claim is that he was underpaid having been paid less than the national minimum wage. He also claimed that his employer had not contributed to his pension, but that claim was not within the jurisdiction of the tribunal.
- 2 The respondent having not presented a response to the claim, on 19 August 2022, notice of a hearing to determine the claim was sent to the address for the claimant given on the claim form (as well as to the respondent, identified as King's Hotel Limited, at both possible addresses for that company). The hearing was to take place, as stated in the notice, at Watford in person at 14:00 on 7 November 2022.
- 3 On 28 October 2022, the tribunal wrote to the claimant (copying the letter to the Stokenchurch address for the respondent):

“Your file was referred to Employment Judge Tobin who directs me to write the following:

Please provide copies of all of your documents which might identify your employer and your employer’s address. This can include pay slips, job advert, offer letter, contract of employment, any correspondence written by your employer or notices given to you.

Please provide this information as soon as possible but by 3rd November 2022 at the latest as we may need to adjourn the hearing on 7th November 2022.”

- 4 On 2 November 2022, the claimant sent the tribunal an email with a number of payslips in it and a copy of the respondent’s handbook. However, he did not attend the hearing on 7 November 2022, which I conducted. The clerk left directions with the security staff to let her know if the claimant attended at any time during the afternoon. The claimant did not attend the hearing.
- 5 In the circumstances, rule 47 of the Employment Tribunals Rules of Procedure 2013 (“the 2013 Rules”) applied. That provides:

“If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party’s absence.”
- 6 The payslips which the claimant had sent the tribunal by email did not show how many hours he had worked during the pay period to which the payslip related. It was therefore not possible to see whether or not the claimant had in fact been paid less than the national minimum wage.
- 7 In all of the above circumstances, I decided that the claim should be dismissed.
- 8 I nevertheless record here that
 - 8.1 the claimant may have had a good reason for not attended the hearing and not informing the tribunal why he was not going to do so (for example because for some good, i.e. acceptable, practical reason he was not able to do so);
 - 8.2 the payslips which the claimant sent on 2 November 2022 showed that the claimant’s employer was in fact King’s Hotel Trading Limited; and
 - 8.3 a search on Companies House for the details of that company showed that one of the directors of the company was the person named initially by

Case Number: 3302863/2022

the claimant as the respondent, namely Mr Rajat Sood, but that Mr Sood had resigned from that directorship on 1 August 2020.

Employment Judge Hyams

Date: 9 November 2022

JUDGMENT SENT TO THE PARTIES ON
21 November 2022

GDJ
FOR THE TRIBUNAL OFFICE