



# THE EMPLOYMENT TRIBUNAL

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**SITTING AT:** LONDON SOUTH ( BY CVP VIDEO CONFERENCING )

**BEFORE:** EMPLOYMENT JUDGE BALOGUN

**BETWEEN:**

Ms S Abbott

**Claimant**

And

AB Building Solutions

**Respondent**

**ON:** 3 February 2023

**Appearances:**

**For the Claimant:** No attendance  
**For the Respondent:** Mr A Boyce, Director

## **JUDGMENT**

The unlawful deduction of wages claim fails and is dismissed.

## **REASONS**

1. By a claim form presented on 29 July 2022, the claimant claims £731 in respect of arrears of pay from the respondent. The respondent denies that the monies are owed and contends that the claimant has been paid for the hours that she worked.
2. Unfortunately, the hearing was initially floating due to lack of an available Judge. The parties were contacted and informed of this. I picked up the case at about 11am. The claimant told the clerk that she was only available until 12pm and asked for the case to be adjourned. She did not say why she was not available.

3. The Notice of the Hearing states that hearings may start late. The hearing was listed for 2 hours, starting at 10.00am. The claimant should therefore have anticipated that it might continue beyond 12pm and made sure that she was available after that time. The postponement request was refused and the claimant was contacted and told that the hearing was going ahead and that she needed to attend. There was no response from the claimant and the hearing went ahead in her absence.
4. Neither party had provided any statements or documents for the hearing even though an order for them to do so was sent on 18 October 2022.
5. I heard from a Mr A Boyce, Director of the respondent. His evidence was difficult because he insisted on giving it in narrative form and at speed, rather than be directed by me through questioning. This meant that it contained a lot of irrelevant information and was at times difficult to follow. However, in summary, his evidence was that the claimant was a contractor not an employee ( not a relevant distinction in this unlawful deductions claim), she had walked off site after 2 weeks without completing the work and had then posted derogatory stuff online which was detrimental to the company's reputation. He made repeated references to the terms of a contract signed by the claimant but had not provided a copy to the Tribunal and although he had people searching for it for the duration of the hearing, it never materialised.
6. Whilst the evidence of Mr Boyce was not entirely satisfactory, there was there was no evidence at all from the claimant. All I had was the information in the claim form, which was not very much. The claimant states in her form that she received £850 for 50 hours worked and is owed for a further 43 hours.
7. In the absence of any evidence that the sum claimed was properly payable to the claimant, I have no alternative but to dismiss the claim.

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Employment Judge Balogun  
Date: 3 February 2023