



EMPLOYMENT TRIBUNALS

Claimant: Miss S Garland

Respondent: DB Skin Clinic Ltd

Heard at: Bristol (by video VHS) **On:** 17 February 2023

Before: Employment Judge Livesey

Representation:
Claimant: Did not attend
Respondent: Did not attend

JUDGMENT

1. The Claimant is entitled to a redundancy payment in the sum of £2312.51.
2. The Claimant was dismissed in breach of contract and is entitled to notice pay (nine weeks) in the sum of £2811.15
3. No further awards are made in respect of unpaid holiday pay and/or on unpaid pension contributions.

REASONS

1. By a Claim Form dated 8 September 2022, the Claimant brought complaints of outstanding sums arising from the termination of her employment on 4 April 2022. She had worked for nine years as a Nail Technician for the Respondent.
2. The Respondent did not reply to the claim and attempts were made to calculate the Claimant's losses in order to avoid a hearing. Unfortunately, her email of 16 November 2022 contained some information, but not enough to have enabled a judge to enter a default judgment on paper. A remedy hearing therefore remained listed.
3. In advance of the listed hearing, the Tribunal made a further attempt to discern the Claimant's losses but she did not respond to its further correspondence. She was warned that a failure to engage with the proceedings might result in her claim being struck out. It was not, however, struck out before the hearing but, on the morning of the hearing, the Claimant wrote to the tribunal to indicate that she could not attend because an important family matter had arisen. The nature of the problem was not described but, in light of the history, the Judge was not prepared to postpone the hearing further, particularly given the fact that the

Case No: 1402920/2022

Respondent was facing a proposal to strike it off the register and it must have been in the Claimant's interests to have her judgment as soon as possible. Attempts to call the Claimant and/or email her on the morning of the hearing to secure her attendance proved fruitless. The hearing therefore proceeded.

4. On the basis of the email of 16 November 2022, the Judge was able to calculate the Claimant's entitlement to a redundancy payment and a calculation of net wages was undertaken to produce the notice pay figure (see above). However, the Claimant has never specified the outstanding holiday pay that she claims to have been owed and/or the sums that the Respondent had allegedly failed to pay into a pension. No awards in those respects were capable of having been made since the Claimant did not attend the hearing to provide that information.

Employment Judge Livesey
Date 17 February 2023

Judgment & Reasons sent to the Parties on 03 March 2023

For the Tribunal Office