



EMPLOYMENT TRIBUNALS

Claimant: Mr J Williams

Respondent: 1st Enable Ltd

Heard at: Manchester Employment Tribunal (by telephone)

On: 24 March 2023

Before: Employment Judge Dunlop

Representation

Claimant: No attendance

Respondent: Mr A Collison (HR Business Partner)

JUDGMENT

1. The claimant's claim is dismissed under Rule 47 of the Employment Tribunal Rules of Procedure 2019, because the claimant has not attended the hearing.

REASONS

2. The claimant has brought a claim for unpaid wages, arising out of his final payment when his employment with the respondent ended. He has valued his claim at £1,500, although he has stated that this includes an amount for emotional distress. It appears he has not calculated the actual sums he says he is owed as wages.
3. In its response, the respondent acknowledged that the claimant was not paid for two days whilst he was suspended and says that it has now made a payment for those days. It also acknowledged that it made a deduction to the claimant's final wage, reflecting excess holiday that had been taken by the claimant during his employment. The respondent provided a detailed calculation of holiday hours accrued and holiday hours taken. (I make no finding as to the accuracy of that calculation, and simply note it was fully explained in the response).

4. Given the content of the response, a Judge directed that the final hearing of the claim, listed for 13 January 2023, should be converted to a preliminary hearing for case management in order to establish what (if anything) the claimant believed he was owed, and what the basis was for this belief.
5. The January hearing was postponed to today due to lack of judicial resources. Unfortunately, a confusion in the re-listing meant that the parties were given the wrong dial-in details for the telephone conference.
6. When I started the hearing today, neither party was in attendance. Mr Collison called using the details he had been given, found he was in another hearing, and left. Mr Collison tells me there was nothing to suggest that Mr Williams had joined that hearing. Mr Collison telephoned the Tribunal, was given the correct details, and joined the hearing. Meanwhile, my clerk telephoned Mr Williams several times to give him the correct details, but got no answer. She also emailed Mr Williams with the correct joining details.
7. I adjourned the hearing at 10.30. I considered that, notwithstanding the confusion, if Mr Williams had intended to join the hearing he would have managed to make contact by that point. It seems probable that he never intended to join the hearing. This conclusion is strengthened by the fact that the respondent has had no contact from him and it may well be the case that he now accepts that he has been paid his wages correctly, as per the response form.
8. In the circumstances, I have decided it would not be appropriate to re-list this hearing for another date and instead have decided that the most appropriate way forward is to dismiss the claim, as I am permitted to do by rule 47. The booklet sent out with this Judgment will give Mr Williams information as to how to ask for the Judgment to be reconsidered, if he considers that I am wrong about the matters set out in paragraph 7 above.

Employment Judge Dunlop

Date: 23 March 2023

SENT TO THE PARTIES ON

31 March 2023

FOR EMPLOYMENT TRIBUNALS

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