



EMPLOYMENT TRIBUNALS

Claimant: Mr H Aslama-Lanjri

Respondent: Save Your Money Group Limited T/A Save Your Business Money

Heard at: Newcastle Employment Tribunal by video

On: 23 March 2023

Before: Employment Judge Fitzpatrick

Representation:

Claimant: Not in attendance

Respondent: Not in attendance

JUDGMENT

The Claimant's claim is dismissed under Rule 47 of the Employment Tribunal Rules of Procedure 2013.

REASONS

1. The matter was listed for a final hearing at 2pm on 23 March 2023 to determine the Claimant's claim for arrears of pay.
2. The Claimant did not attend the hearing. The Respondent had not presented a Response and did not attend the hearing.
3. By letters dated 1 March 2023 and 15 March 2023 the Claimant was asked by the Employment Tribunal to quantify his claim and provide relevant evidence. The Claimant did not respond.
4. The Claimant had been advised of the hearing date in correspondence from the Employment Tribunal dated 25 January 2023 and 1 March 2023. The Claimant was sent an email with the link to join the hearing on the morning of the 23 March 2023.

5. An attempt was made to contact the Claimant by telephone at around 2pm on 23 March 2023 but there was no response.
6. The Claimant sought to claim unpaid salary from the Respondent. In his Claim Form he referred to signing a contract of employment with the Respondent, that he was due to start employment on 10 October 2022 but that “over the next 3 weeks I was told to be patient while having minimal communications in the end I was ignored and blocked on LinkedIn and by mobile and not paid”. He stated that he sought compensation: “2 months worth of wages is only fair”. His actual start date of employment is not clear, nor is the date when he understood his employment ended.
7. Rule 47 of the Employment Tribunals Rules 2013 provides that “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.” I noted that the powers under the Rules must be exercised in accordance with the overriding objective in Rule 2, which is to deal with a case fairly and justly.
8. In accordance with Rule 47, I was satisfied that practicable enquiry had been made about the reasons for the Claimant’s absence. No information was available to me explaining the reasons for the Claimant’s absence. Under Rule 47 I have the option to dismiss the claim or proceed with the hearing in the absence of that party.
9. The Claimant has the burden of proving his loss. He needs to show what payment he was entitled to. The Claimant has been asked to provide information and evidence relevant to his claim by two letters dated 1 March 2023 and 15 March 2023, he did not respond and has not attended this hearing. The Claimant has not provided evidence that he says he has in his Claim Form, such as the contract of employment, to the Tribunal. The information provided in the claim form is also not clear. Without sufficient evidence before the Tribunal the Claimant could not succeed.
10. I concluded that the appropriate course was to dismiss the claim as I had insufficient evidence on which I could determine the claim in the Claimant’s absence.

Employment Judge Fitzpatrick

Date: 29 March 2023

Note: This was a remote hearing which was not objected to by the parties. The form of remote hearing was video. A face to face hearing was not held because it was not practicable, no-one requested the same and all the issues could be determined in a remote hearing.