



EMPLOYMENT TRIBUNALS

Claimant: Miss M. Richardson

Respondent: SBFM

FULL MERITS HEARING

Heard at: Bury St Edmunds (in public; by CVP) **On:** 15 December 2023

Before: Employment Judge Boyes

Appearances

For the Claimant: No attendance

For the Respondent: Mr Pybus, human resources

JUDGMENT

The claim in respect of unauthorised deductions from wages contrary to section 13(1) of the Employment Rights Act 1996 is dismissed.

REASONS

1. The claim was presented to the Tribunal on the 23 March 2023. The Claimant states in the claim form that she has, on some occasions, not been paid her wages or her wages have been paid at the wrong hourly rate. In the response form, the Respondent stated, in terms, that it does not understand precisely what the Claimant is saying she is owed.
2. Since the date that the claim was submitted, the Tribunal has received no further communication from the Claimant.
3. On 1 November 2023, the parties were notified of the date of the final hearing and orders were made requiring the parties to undertake certain preparation in readiness for that hearing.
4. On 28 November 2023, the Respondent wrote to the Tribunal to inform it that the Claimant had not sent any documents for the Respondent to include in the bundle. It stated that it therefore had not been able to put together a defence to the claim. It requested that the final hearing be converted to a preliminary case

management hearing to enable it to better understand what the allegations against it were.

5. On 14 December 2023, Employment Judge Warren directed that the final hearing would proceed and that, at the start of the hearing, the Employment Judge would consider whether the case should be struck out due to the Claimant's failure to comply with the Tribunal's orders.
6. The Claimant did not attend the final hearing. There was no communication from the Claimant in advance of the hearing to notify the Tribunal that she would not be attending. On the morning of the hearing, the Tribunal sought to contact the Claimant by telephone to establish the reason for the Claimant's non-attendance. The Tribunal was unable to make contact with the Claimant despite making efforts to do so.
7. It was not possible to determine the claim in the Claimant's absence because the claim form does not fully particularise the amount of wages it is claimed were not paid or the dates/periods for which it is said that the claimed underpayments occurred.
8. Taking in to account the overriding objective of The Employment Tribunals Rules of Procedure 2013, and as the Claimant has failed to provide any reason for her absence despite attempts by the Tribunal to establish this, the claim is dismissed under rule 47 of the Employment Tribunals Rules of Procedure 2013.

Employment Judge Boyes

Date: 15 December 2023

Sent to the parties on: 14 January 2024

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For the Tribunal Office

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