

CASE NO: 2601755/2023



EMPLOYMENT TRIBUNALS

Claimant: Mr Sean Trott

Respondent: Halfway House Bar and Grill Limited

Record of an Attended Hearing at the Employment Tribunal

Heard at: Lincoln

Heard on: 13 November 2023

Before: Employment Judge Hutchinson (sitting alone)

Appearances:

Claimant: No Appearance

Respondents: Matthew Durrant, Owner

JUDGMENT

The Employment Judge gave judgment as follows,

The claims of breach of contract, holiday pay and wages fail and are dismissed.

REASONS

Background to this Hearing

1. The Claimant presented his claim to the Tribunal on 4 August 2023. He said he had been employed by the Respondent from 7 May 2021 until 7 May 2023.
2. He made claims of non-payment of notice pay, holiday pay and wages.
3. In their response the Respondent said that the dates of his employment were from 4 July 2020 until 8 June 2023 and that he was employed as Kitchen Assistant.
4. The Respondents denied the claim and the matter was set down for a hearing today.
5. Notice of Hearing was sent to the parties on 13 September 2023. The notification was sent to the Claimant's address as provided by him on his claim form. The letter was not returned.
6. The Respondents wrote to the Claimant at the email address that he had provided to the Tribunal on 3 November 2023 sending him the supporting documents and witness statements and reminding him of the hearing that was due to take place today.
7. I am told that a physical copy of the documents was posted through his mailbox also.
8. The Claimant did not attend the hearing today and I was not provided with any explanation for his non-attendance in advance of the hearing.
9. I asked my Clerk to contact the Claimant by telephone. I was told the Claimant was too busy because he was at work today and that he did not know about the hearing.
10. Mr Durrant tells me that the Claimant was aware of the hearing and indeed had been bragging to his friends in the local pub about the case that he was bringing today.
11. On balance I am satisfied that the Claimant was aware of the hearing today and he has chosen not to attend because he is at work.

My Conclusion

12. I considered the documents provided by the Respondent. I have seen the text message that the Claimant sent to the Respondent informing them that he was not prepared to work his notice period and I am satisfied that he has been paid his wages and for 4 days holiday pay that he had accrued entitlement for.

13. He is not entitled to any other payments and in all the circumstances the claims are dismissed.

Employment Judge Hutchinson

Date: 17 November 2023

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