



## **EMPLOYMENT TRIBUNALS**

**BETWEEN:**

**Claimant**  
**Miss Underwood**

And

**Respondent**  
Otis Elevator Company

## **AT A PRELIMINARY HEARING**

**Held:** Nottingham, by CVP      **On:** 5 December 2024

**Before:** Employment Judge R Clark (Sitting alone)

### **REPRESENTATION**

**For the Claimant:**

Did not attend and was not represented.

**For the Respondent:**

Did not enter a response and was not in attendance.

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## **JUDGMENT**

1. The claim for damages for breach of contract **fails and is dismissed**.
2. The alternative claim of unauthorised deduction from wages is **fails and is dismissed**.

## **REASONS**

1. This is a short track final hearing on a claim relating to termination payments.
2. Neither party attended. The respondent had not entered an ET3 response. The claimant had been in repeated contact with the tribunal until recently so was expected to attend and steps were taken to contact her this morning when she did not join. One number given by the claimant was unrecognised. The other number went to voicemail and a message was left. A further email was sent to the claimant repeating the details to join the CVP hearing. The hearing remained open for a further 30 minutes for her to join. She did not join.

3. In any event, the claim relates to the final payments due to the claimant on the termination of her employment effective on 20 June 2024. She has supplied payslips and other documents sufficient to understand and decide the issues. There is no dispute her employment ended on 20 June. There is no dispute pay was paid monthly on 15<sup>th</sup> of each month, meaning approximately two weeks is paid in arrears and two weeks in advance. The timing of her termination consequently meant she was over-paid in June and an adjustment was therefore made to the July payments. The itemisation of that July payslip seems to be why the claimant felt she had suffered a greater deduction than should have been the case and asserted her one week's notice had not been paid.
4. In fact, the July pay slip shows an adjustment to deduct the June overpayment for the period 21 to 30 June (deducting what appears to have been only 9, instead of 10, days' pay). It then includes a payment of pay in lieu of notice of what appears to equate to one week's pay. She also was then paid her outstanding holiday entitlement.
5. The papers appear to show everything that was due was paid. That fact may have belated dawned on the claimant and may be why she has not joined this hearing. There may yet be other good reason for the claimant's non-attendance but, if that is the reason, it is both regrettable and discourteous as parties to other claims have been denied the opportunity to have their dispute listed before a Judge this morning because of this claim remaining in the list.

EMPLOYMENT JUDGE R Clark

DATE 6 December 2024

JUDGMENT SENT TO THE PARTIES ON

.....06 December 2024.....

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FOR THE TRIBUNALS