



## EMPLOYMENT TRIBUNALS

Claimant

Respondent

**Mr V Singh**

**-v-**

**Ace Employment Ltd**

### PRELIMINARY HEARING

(CONDUCTED IN PRIVATE VIA THE CLOUD VIDEO PLATFORM (AUDIO ONLY))

Heard at: **Birmingham**

On: **Thursday 24 April 2025**

Before: **Employment Judge Perry**

#### Appearances

For the Claimant: **No appearance**

For the Respondents: **Miss S Kaur** (lay representative)

### JUDGMENT

1. The claimant was unfairly dismissed on 10 May 2024. He is awarded a basic award of £1,091.08. He did not seek a compensatory award.
2. The recoupment regulations do not apply.
3. He was dismissed in breach of contract and without notice. He is entitled to 1 month's notice of £2,364.00 gross.
4. His remaining claims are not well founded and are dismissed.

### REASONS

1. No response was lodged in time by the respondent and a response not received judgment may be entered letter was forward to the respondent. That prompted a response from the respondent indicating they had called several times seeking an extension of time to do so.
2. On 11 March the Employment Tribunal wrote to the respondent stating amongst other matters:-

*"The respondent is requested to note that any applications to extend the time for filing a response must comply with r21 of The Employment Tribunal Procedure Rules 2024.*

*The current application does not meet the requirements of the rule."*

3. No response to that letter was received until a reminder seeking a bundle for the hearing having been sent on Tuesday of this week an email was received from the respondent stating *"This matter has been resolved. We have managed to resolve internally. We are waiting to sign documentation to settle the claim."* They were informed buy the acting



Regional Employment Judge that in the absence of a settlement the hearing today would go ahead and thereafter chased to see if the claim had settled.

4. Late last evening the claimant's representative emailed the tribunal but not the respondent rejecting an offer made by the respondent. I directed that an email be sent to the parties this morning

*"Any correspondence to the Employment Tribunal needs to be copied to the other party. Your email has thus been copied to the other party. The Employment Tribunal cannot become involved in settlement negotiations outside a properly convened process. If the parties wish to enter into some form of alternative dispute resolution they can raise that at the hearing this afternoon.*

*In the interim the parties are reminded they need to lodge a bundle for the hearing this afternoon"*

5. Despite that no bundle was lodged and neither party has logged into the call. The claimant was called and logged in. No telephone number was provided by the respondent. An email was sent to the address given by the respondent at 14:26.

*You have been previously told that the hearing is going ahead, in the absence of a settlement agreement. However, despite this, you do not appear to have made any attempt to join the hearing.*

*Please do so immediately using the link previously provide. A copy of which is attached.*

*If you do not do so, a judgement could be entered against you.*

6. By 14:45 no email was received and the respondent had still not logged into the call.
7. Rule 47 Employment Tribunal Rules of Procedure 2024 provides that If a party fails to attend or to be represented at a hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it must consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.
8. Having attempted to make those enquiries the sole reason for non attendance appears to have been that the parties were attempting to settle the matter. It has not been settled and that is not a reason to fail to attend a tribunal hearing and the waste of precious tribunal time that gives rise to.
9. No response having been received I have decided to proceed with hearing today.
10. On 2 April the claimant was sent a reminder requesting that he provide details that he was previously asked to provide on 18 July 2024 of a potential whistleblowing claim.
11. He did so on 2 April. He claims he was dismissed without notice on 15 May 2024. Miss Kaur told me he was employed by the respondent as a warehouse worker and on his claim stated that was from 15 November 2021 and s=he was dismissed on 10 (not 15) May 2024. She told me that the 10 May was the correct date. I accept that date on the basis it was stated at a point closer in time to his dismissal.
12. This claim was presented on Tuesday 9 July 2024 following early conciliation that started on Tuesday 2 July 2024 and ended on Thursday 4 July 2024. Accordingly, any act or omission which took place before **Wednesday 3 April 2024** is potentially out of time.
13. The claim included complaints of unfair dismissal, whistleblowing, redundancy and notice pay.



14. I accept the claimant's complaint in which he states he was dismissed. It falls for the respondent to provide a potentially fair reason for dismissal it has not done so.
15. The claimant had not included details of her pay on his claim form. Miss Kaur told me his pay for the month of March 2024 dated 28 March 2024 which was the final pay slip he received that his gross pay was £2,364.00 and the net pay was £2,200.00. His gross weekly pay was thus £545.54. He was 25 at the date of her dismissal. He is entitled to a basic award of £1,091.08. That duplicates his claim for redundancy.
16. The claimant does not seek a compensatory award.
17. The whistleblowing claim appears to relate to a complaint the claimant made after his dismissal concerning the employment of illegal immigrants. That cannot succeed as a whistleblowing complaint as it lacks the necessary causal link. It fails.
18. The claimant did not receive state benefits. The recoupment regulations therefore do not apply.
19. Miss Kaur told me the claimant was obliged to give and receive after two years employment 1 month's notice. She was unable to provide evidence of this. I accept her submissions that he was entitled to 1 month's notice of £2,364.00 gross.

approved by me

**Employment Judge Perry**

Thursday 24 April 2025