



EMPLOYMENT TRIBUNALS

Claimant: Mr Chee Yin FUNG

Respondent: Hartwood Technology Consulting Ltd

Heard at: London South Employment
Tribunal (Croydon)

On: 17 March 2024

Case number: 6019108 / 2024

Before: Employment Judge M Da Costa

REPRESENTATION AND ATTENDANCE:

Claimant: Unrepresented, and did not attend

Respondent: Did not attend

JUDGMENT

The judgment of the Tribunal is as follows:

1. The claim is dismissed because no party attended the hearing on 17 March 2025.
2. The claimant by his form ET1 claimed the following:
 - (a) unpaid wages for 6 months “including June, July, August September, October 2024”; and
 - (b) redundancy pay for his employment ending 27 October 2024, the date on which he claimed that his employment ended.
3. In his form ET1 he claimed that he was employed by Hamilton Capital Holdings Ltd from 1 March 2022 and that in June 2024 he was transferred to Hartwood

Technology Consulting Ltd under the Transfer of Undertakings (Protection of Employment) Regulations 2006. He claimed that “both undertakings are jointly responsible for fulfilling outstanding employee obligations.” The ET1 form gave the claimant’s monthly pay after tax of £4,000.

4. The Tribunal had before it no papers or information at all, aside from the claimant’s ET1 claim form.
5. The case was listed for a CVP final hearing on the afternoon of 17 March 2025.
6. The claimant did not attend the hearing on 17 March 2025.
7. On 17 March 2025 the clerk both emailed and telephoned the claimant to make enquiries about what the reason for non-attendance was and whether the claimant would be able to attend later in the day. No response was received from the claimant.
8. I have decided that in the absence of the claimant attending, and in the absence of any further information on the file, there was insufficient evidence to prove the claimant’s case in his absence on the balance of probabilities without his oral evidence, or without being able to enquire as to whether the claimant had available any such evidence over and above the ET1 form. In particular, the Tribunal had no corroborating evidence as to the claimant’s remuneration, the absence of payment of his wages, and as to the reason for the termination of any contract that the claimant had with the respondent. A search in Companies House gov.uk shows that Hartwood Technology Consulting Ltd is in creditors’ voluntary liquidation. However, this is not on its own proof as to any termination being “wholly or mainly attributable” to the cessation of trading for the purposes of section 139(1) of the Employment Rights Act 1996.
9. On the basis of the above, the Tribunal decided to dismiss the claim pursuant to its powers under rule 47 (non-attendance) of the Employment Tribunal Procedure Rules 2024, having first made the practicable enquiries required by that rule.

Employment Judge M Da Costa
17 March 2025

Note

No oral reasons were given at the hearing because no party attended. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.

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