



EMPLOYMENT TRIBUNALS

Claimant: Mr Aleksander Andersen

Respondent: The Baskerville Arms

Heard at: Reading via video

On: 21 January 2026

Before: Employment Judge MJ Smith

REPRESENTATION:

For the Claimant: No attendance

For the Respondent: Ms Jill Hughes

JUDGMENT

1. The claim for unauthorised deduction of wages is struck out under Employment Tribunal Procedure Rule 38(1)(d) because it has not been actively pursued.

REASONS

Introduction

2. This is a claim for unauthorised deduction of wages under section 13 of the Employment Rights Act 1996.
3. The respondent is a public house. The claimant was employed as a live in second chef from 29 August 2024 to 5 September 2024. The claimant contacted early conciliation on 21 October 2024 and the ACAS Certificate was issued on 13 November 2024. On 4 December 2024 the claimant presented his claim form.

4. The case appeared before the tribunal for a on 21 January 2026 at Reading via video for a final hearing.

Preliminary Matters

5. The claimant did not attend the final hearing. The notice of final hearing was sent to both parties by order on 28 May 2025. There has been no further correspondence with the claimant by the Tribunal. In the order there was a deadline for disclosure of documents by 11 June 2025. The claimant did not comply with the order. The claimant did not attend the final hearing and the Tribunal made efforts to contact him via telephone but there was no response. The Tribunal proceeded in the absence of the claimant in accordance with rule 47 of the Employment Tribunal Procedure Rules 2024 because there was no evidence of a reason for the claimant's absence at the hearing.

Law

6. Rule 38 of the Employment Tribunal Procedure Rules 2024 provides:

38.— Striking out

(1) The Tribunal may, on its own initiative or on the application of a party, strike out all or part of a claim, response or reply on any of the following grounds—

(d) that it has not been actively pursued;

(2) A claim, response or reply may not be struck out unless the party advancing it has been given a reasonable opportunity to make representations, either in writing or, if requested by the party, at a hearing.

The evidence before me

7. I was provided with a bundle for the final hearing. Ms Hughes made oral submissions in support of the application for strike out. I made the following findings of fact.

My findings of fact

8. The respondent had made numerous attempts to contact Mr Andersen. There was evidence in the bundle, namely photographs, that showed a letter sent by the respondent to the claimant. This photograph showed a Royal Mail return to sender sticker dated 11 June 2025 with the claimant's name and address crossed out and the words 'Not Known' written on the envelope.

9. Ms Hughes stated that there had been a letter hand delivered to the claimant from the respondent with documents to comply with the order dated 28 May 2025 but no response was received from the claimant. There was no evidence provided by the claimant in relation to the claim.
10. An order was sent on 17 December 2025 to the claimant and copied to the respondent warning the claimant that the Tribunal would be considering striking out the claim. It ordered the claimant to respond by 2 January 2026 to provide his objections to the application or that he should request a hearing in order to provide any such reasons. There was no response by the claimant. I found that the claimant had been given a reasonable opportunity to make representations in writing prior to the hearing or to attend the hearing and make those representations in person. I found that the claim was not being actively pursued and struck out the whole claim on that basis.

**Approved by
Employment Judge MJ Smith
21 January 2026**

Judgment sent to the parties on:
17 February 2026

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For the Tribunal:
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Notes

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/