



EMPLOYMENT TRIBUNALS

Claimant: Suzanne Smith

Respondent: Feller UK Ltd

Heard: By CVP **On:** 1 April 2026

Before: Employment Judge JM Wade

Appearances

For the claimant: did not attend

For the respondent: Ms Brunton, counsel

JUDGMENT

- 1 The claimant's unlawful deductions from wages complaint is dismissed upon her withdrawal this morning.
- 2 The respondent's cost application succeeds and the claimant shall pay to the respondent the sum of £350.

REASONS

1. The claimant presented her claim in August 2025 alleging unlawful deductions from wages as follows: "My employer has received a AOE against me and I have told him he needs a court order. Also he didn't get my consent as written in the Employment Rights Act 1996 , he hasn't received a court order neither , I was never informed by my employer he was going to be making deductions from my wages".
2. There was delay in serving the claim but the notice for today's hearing and orders were sent to the parties. On initial consideration no direction was given that the claim had little prospects of success – the claimant's case appeared to be there was no attachment of earnings order and the respondent's case being that there were such orders. Copies of the relevant notices were not attached to the ET3 (nor uploaded to the Tribunal's system until a draft bundle was uploaded on or around 26 March 2026).

3. The claimant did not provide a schedule of sums owed, nor any disclosure, despite engaging with the respondent's solicitor about delayed dates for those matters by email in January 2026. I note she records a speech impairment in her ET1.
4. On 20 February 2026 the respondent's solicitors wrote to the claimant explaining its case that she had failed to comply with orders, that she was not pursuing her claim, and that it had no reasonable prospects of success. It encouraged her to seek out advice from the national debtline, CAB and the council, and it enclosed copies of that advice with its letter. The respondent indicated it would not pursue a costs application if the claim was withdrawn within seven days, but it would so, referring to "our costs application" if not.
5. A draft hearing file was provided to the claimant on 20 February and yesterday she accessed the link to the final hearing file – when that was provided to her. The documents, including the relevant notices of attachment of earnings, were available in the draft hearing file, and also on the Tribunal's portal.
6. Last week, I am told, it was made clear to the claimant that if she requested holiday for today's hearing (she had not by then done so and has worked for the respondent since 2010 as a machine operator part time), holiday would be granted. She did not seek holiday.
7. The claimant sent an email at around 8.30am this morning withdrawing her claim. She did not copy it to the respondent. She attended work. The respondent was represented by counsel and solicitor at today's hearing. I directed our clerk telephone the claimant and read out the following:

Your notification of withdrawal sent this morning has been received by the Employment Judge, but it was not copied to the employer. It has now been provided to the employer. The employer has attended the hearing and is pursuing a costs application. The Judge has delayed the start time until 10.30 and you have that opportunity to attend. Your claim is at an end because of the withdrawal, but the Judge is considering whether to hear the employer's costs application. Please attend the hearing by using the video link provided. Rule 47 provides that if a party does not attend a hearing, a Judge may continue with the hearing in the party's absence.
8. That information was also sent to the parties by email. The claimant then emailed to say she was not attending and we should continue with the hearing.
9. The law on costs applications is set out in Part 13 of the Employment Tribunal Procedure Rules 2024. The overriding objective is to deal with cases fairly and justly. That includes putting the parties on an equal footing, proportionality and saving expense.
10. In those circumstances I heard the respondent's costs application. I noted:

- 10.1. The claimant was on notice the application would be made and had not written to say she had not acted unreasonably to date;
- 10.2. She had withdrawn at the last minute;
- 10.3. There had been no unless order application from the respondent;
- 10.4. There were no orders on initial consideration to alert the claimant to the likelihood that her claim would fail if the respondent could provide the relevant documentation;
- 10.5. The documentation came attached to the 20 February letter (but the claimant had also seen that paperwork in an earlier grievance);
- 10.6. The claimant had not explained why she withdrew at the very last minute but plainly had not intended to attend last week when she did not apply for holiday;
- 10.7. The claimant's means were strained – she earned around £900 every four weeks and there was reference to credit card debt in the papers before me;
- 10.8. She appeared to be misled – perhaps by AI - in believing the respondent could do otherwise than make the appropriate deductions which had been levied in connection with council tax failures to pay;
- 10.9. The bundle before me was the same as the draft bundle attached to the letter of 20 February, save that it was paginated;
- 10.10. A grade B fee earner at £200 per hour has done most of the work on this claim for the respondent and counsel's fee for today was £850.

Conclusion

11. The threshold for a costs order has been met – the claimant's conduct in withdrawing at the very last minute is unreasonable. That does not mean that I must exercise my discretion in making an order because there are reasons against doing so: the claimant is already a person with debt; the Tribunals are generally a cost free environment; she may have been deterred from appearing because of speech impediment. Nevertheless, I consider an order should be made because she has not advanced any explanations despite having the opportunity to do so; she had engaged with a full grievance process orally; and the respondent has been put to cost by her unreasonable conduct.
12. The landscape of unsound AI advice, or the politics of council tax, or even magistrates court failings which are alluded to by the claimant in her grievance, are part of the operating landscape (and cost) of any business or organisation, but they do not excuse the claimant's unreasonable and unexplained behaviour in withdrawing so late.
13. As to the amount of the order, I do not say counsel's fee is unreasonable – she was instructed to attend and conduct the defence at a final hearing – but I do consider that after the 20 February letter, and then when it was known by the respondent that the claimant had not taken holiday to attend today, the events that have unfolded were, reasonably, predictable, and the time cost of paginating the bundle and sending the solicitor with conduct to attend today was the proportionate way forward. Put another way, I consider the proportionate sum of costs thrown away by the claimant's late withdrawal to be £350.

Employment Judge JM Wade

1 April 2026

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