



EMPLOYMENT TRIBUNALS

Claimant: Mr U Javaid

Respondent: Ifixtech

Heard at: Manchester (by CVP)

On: 26 May 2026

Before: Employment Judge KM Ross

REPRESENTATION:

Claimant: In person

Respondent: Mr Ali, Representative/Shopkeeper

JUDGMENT

The judgment of the Tribunal is that:

1. There was material non-compliance by the claimant to provide the information required by the Unless Order issued by Employment Judge Aspinall on 20 May 2026.
2. The claim was therefore struck out.
3. The claimant's application for relief from sanction is not well founded and is refused.

REASONS

Background

1. The claimant presented a claim to the Tribunal on 14 July 2025. It gave no dates of employment. The claimant ticked the box at 8.1 of the claim form stating he was claiming a redundancy payment and other payments. At box 8.2 he stated: "I used to work with this company he don't pay me minimum wage, he don't pay me holiday pay as well no travel expenses".

2. Under the compensation section he stated “he pay me £70 per day no travel expenses, amount requested £2,000”. The claim was rejected because the claimant failed to supply an ACAS early conciliation certificate. The claimant corrected that defect and filed the certificate. Employment Judge Slater directed the claim be accepted with effect from 30 October 2025, the date the defect was corrected. The claim was served on the respondent on 23 December 2025.
3. The respondent filed a response disputing liability, disputing that it had employed the claimant and seeking further information.
4. The Tribunal issued standard directions to prepare for a video hearing on 26 May 2026.
5. On 15 May 2026 the respondent wrote to the Tribunal seeking a strike out of the claim and/or unless order explaining that the claimant had failed to provide a calculation of how the sum of £2,000 was calculated, failed to supply any supporting documents and failed to provide dates of his alleged employment or job role or hours worked.
6. On 20 May 2026 Employment Judge Aspinall issued a detailed Unless Order.
7. I find the claimant failed to comply with the Unless Order in key material aspects. Although he responded to the first part of the unless order in a statement where he said he had worked for the respondent, he did not comply at all with the second requirement of the unless order which was to provide his dates of employment. He did not comply with the third part of the unless order which was to show how he calculated the sum of £2,000. He did not comply with the fourth part of the unless order which was to provide copies of pay slips/proof of earnings although he appeared to indicate that the reason for this was because he was paid cash only. However, he also referred to documentary evidence which was not attached to his statement. He did not comply with requirements five and six of the unless order which was why he had not replied to the respondent’s earlier requests for information and why he had not responded to the respondent’s application to strike out.
8. A calculation of the sums owed and dates of the claimant’s employment with the respondent are basic necessary information for a claim for unlawful deductions from wages claim, s13 Employment Rights Act 1996. The claimant materially failed to comply with Employment Judge Aspinall’s instruction to provide that information and accordingly I find the claim had been struck out.
9. At the listed hearing today as identified by Employment Judge Dunlop I have gone on to consider whether the claimant wished to apply for relief from sanction. He said he did.
10. I have taken into account that when considering an application for relief from sanction I must have regard to Rule 39(2) Employment Tribunal Rules of

Procedure 2024. I must have regard to the interests of justice taking into account all relevant factors. I remind myself I should see the interests of justice from both sides. I remind myself of the case of **Mr A Minnoch and Others -v- Interservefm Ltd 2023 ICR 861 EAT**. I must have regard to a broad assessment of what is in the interests of justice, factors which may be material to that assessment and the relevant factors including generally the reason for the default, in particular whether it was deliberate, the seriousness of the default, the prejudice to the other party and whether a fair trial remains possible. Of course, each case depends on its own facts.

11. The claimant had no clear explanation as to why he had not complied with Employment Judge Aspinall's Order in providing dates of employment and a calculation of how he arrived at the figure of £2,000.
12. When I enquired why he had not provided the information he told me he had lost his iPhone some five or six months earlier and the information was stored in the iCloud.
13. Claims for unlawful deductions from wages are extremely common in the Employment Tribunal. Most claimants have an approximate idea, even if not the exact dates, of when they worked for a respondent. Most claimants have some record or recollection of the hours or dates on which they worked for an employer and the approximate rate of pay and can therefore produce a very basic calculation of the sum they say they are owed.
14. I found it implausible that five months had passed and the claimant has made no efforts to obtain the information he says is stored in the iCloud. The default in failing to provide the information is serious because without it the case can not proceed. The reason for the failure is surprising. Although the detailed information may be in the iCloud the claimant did not present any evidence to suggest he had tried to access this information from another device.
15. I have had regard to the interests of justice, the overriding objective and whether a fair trial is still possible. I have doubts as to whether a fair trial is possible. In a claim for unlawful deduction from wages the burden of proof is on the claimant to prove to the Tribunal the sums he says have been unlawfully deducted from his wages. To do this the claimant must at least know the approximate dates of his employment with the respondent, when he worked and how approximately much he should have been paid. If the claimant is unable to provide this information now and has been unable to do so at any date up to now, I find it is highly unlikely he will be able to discharge the burden of proof to provide this information at a final hearing.
16. I have also had regard to the fact that there is likely to be a time limit issue here. The claimant still cannot tell me the dates he worked for the respondent. However, his original claim was presented on 14 July 2025, and it is likely that this date was close in time to when his employment ended or the last payment was made. Because he did not obtain an ACAS early conciliation certificate his claim has not been treated as being presented until 31 October 2025. Any claim for unlawful deduction from wages must be

made within 90 days of the date the payment was due. There is therefore a serious risk that this claim is out of time in any event.

17. I turned to consider the issue of the interests of justice. There is certainly prejudice to the claimant in not being able to pursue his claim. However, there is also prejudice to the respondent in having to defend a claim which the respondent has repeatedly tried to clarify, and to attend hearings when it does not know the claim it has to meet.
18. In terms of the overriding objective and the interests of justice generally, the Tribunal is extremely busy at present. There are many claimants waiting patiently for their turn to have their claim heard. A claimant who is unable to provide basic information about wages claim despite being given opportunities to do so and who requires further time and another hearing date in the Tribunal's busy listing calendar is a factor which I consider to be within the interests of justice also to consider.
19. The claimant still has not been able to provide the very basic information needed for his unlawful deductions from wages claim namely the approximate dates he was employed by the respondent and a calculation of the sums he says he is owed. For all these reasons the application for relief from sanction is refused.

Employment Judge KM Ross

3 June 2026

JUDGMENT AND REASONS SENT TO
THE PARTIES ON

22 July 2026

FOR THE TRIBUNAL OFFICE

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>