



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss E Crawford

-v-

Win Win Management

FINAL MERITS HEARING

Heard at: **Centre City Tower, Birmingham**

On: **21 November 2017**

Before: **Employment Judge Perry** (sitting alone)

Appearances

For the Claimant: **no appearance**

For the Respondent: **no appearance**

JUDGMENT

The claimant's claim for wages (and/or in the alternative, breach of contract) is not well founded and is dismissed.

REASONS

1. This is a claim that was commenced on 2 August 2017 for non-payment of wages. The claimant seeks £270.00. The respondent defends the claim stating the claimant was not employed by the respondent but by another entity, CC Outsourcing Limited.
2. Both parties failed to attend the final merits hearing listed for today. At 10:10 am I instructed my clerk to make enquiries of both parties. She did so. The claimant did not answer the call. The respondent indicated it was not intending to appear.
3. The background to that non-appearance is that the claimant contacted the tribunal on 28 September 2017 stating that she had had to move to Northern Ireland and asked if she needed to attend the hearing. She was informed she would need to attend or alternatively she could lodge written submissions if she wished, but if she did not attend that could affect the weight given to her evidence.
4. On 17 November the claimant subsequently sought a postponement on the basis her father had been rushed into hospital and had to have an operation. The same day she was informed that if she wished to seek a postponement on that basis she would need to supply medical evidence in support of her application. She did not do so and instead on 19 November provided a series of text messages which in my judgment are the submissions (and documents in support) she was invited to provide in relation to her substantive claim. They were not copied to the respondent. When the tribunal wrote to remind her on 20 November that if she wished to seek a postponement on that basis she would need to supply medical evidence in support of her application, the tribunal copied the respondent in on that reply, her application and those documents.



5. In the light of the claimant's absence, I consider the claimant supplying those documents in the light of the earlier correspondence with the tribunal was a request that I substantively determine the claim today. I have considered the documents supplied by the claimant. I determined given they have been copied to the respondent and it has had an opportunity to respond that I should proceed today. I thus treat them as her submissions and evidence.
6. Those documents do not in my judgment identify what sums the claimant states she was entitled to, how that entitlement arose or evidence that the respondent has made an unlawful deduction from her wages (or was in breach of contract). Nor do the texts relay the mobile numbers they were sent to or how the recipient is alleged to be involved in the respondent's business given the respondent denies that any monies are due to the claimant.
7. The burden is on the claimant to prove that sums were due to her on the balance of probabilities. In my judgment, she has not done so. Her claim is not well founded and is therefore dismissed.

sent to the parties on
21 November 2017

22/11/2017
