



EMPLOYMENT TRIBUNALS

Claimant: Laura Halpin

Respondent: FoxTangle Limited t/a The Fox Inn

Heard at: Southampton **On:** Wednesday, February 13, 2019

Before: Employment Judge Mr. M. Salter

Representation:

Claimant: In person

Respondent: No attendance and not represented

JUDGMENT

The Claimant was subject to an unlawful deduction of wages in the sum of £250.00

REASONS FOR PROCEEDING IN ABSCENCE

1. These are my reasons for proceeding in the absence of the Respondent.
2. After numerous listings this matter came before me today for Final Hearing with a three hour time estimate.
3. The Claim concerns an admitted deduction from the Claimant's holiday pay, which was paid on her leaving the Respondent's employment.
4. The Claimant left employment in mid-November 2018, her last day working was the 12th November and her last day of employment was the 13th.

5. I find she received her holiday payment on 15th December 2018.
6. The Respondent withheld £250 it claims for damage it says the Claimant caused to a car owned by Mr. Matthew Nicol, the Respondent's managing Director, in September 2017 (that is over a year before the Claimant's employment ended) when the cars came together in the Respondent's car park.
7. The Claimant attended today's hearing. At 0937 Bristol Employment Tribunal, who administer Southampton Employment Tribunal, received an email from Matt@thaiinns.co.uk in the following terms:

*To whom it may concern,
I am deeply sorry that I am unable to attend today's hearing do (sic) to a severe case of flu.
I was very much hoping to make it but after attempting to drive I turned back due to illness.
I hope this can be rescheduled and apologise for any inconvenience caused.*

Best wishes

Matt Nicol

8. No-one attended on the Respondent's behalf and I am not told any more about the Respondent's diagnosis of "flu".
9. I considered the overriding objective to deal with matters justly and proportionately to the issues, and to avoid delay. I have been assisted by the Presidential Guidance of 4th December 2013 which concerns postponements of hearings.
10. I considered adjourning the Final Hearing and relisting the matter, however this would be a considerable period of time in the future, for a matter that already is 14 months old and is for a relatively modest sum of money.
11. I considered my power under r47 of Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 to dismiss the Respondent's response on grounds of non-attendance, but did not consider this to be appropriate.

12. I have borne in mind that the application to adjourn is not supported by any medical evidence and the guidance says in such circumstances the application to adjourn may be refused.
13. I decided that weighing all these factors in the balance it was in the interests of justice to proceed with the hearing, the Respondent, if they wish can, apply for a reconsideration of the judgment pursuant to r70.
14. I amended the identity of the Respondent to that set out in the header of this judgment.

Employment Judge Salter

Dated: 13th February 2019