



EMPLOYMENT TRIBUNALS

Claimants: Ms Constance Luckhurst
Respondent: Ableclean Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim for a declaration of unauthorised deduction from wages in respect of unpaid wages and unpaid holiday pay is well-founded and the claimant is entitled to a remedy.
2. The hearing set for 30 April 2019 at Teesside Justice Centre, Victoria Square, Middlesbrough, Cleveland, TS1 2AS is converted to as Remedy Hearing and the estimated length of hearing is reduced to one hour. It will be dealt with by an Employment Judge sitting alone.

REASONS

1. The claimant filed her claim on 22 November 2018 and it was served on the respondent on 8 January 2019.
2. The respondent was required to file a response by 5 February 2019 and has not done so.
3. The claimant is entitled to Judgment under Rule 21 in the absence of a response.
4. There is insufficient information in the claim form to allow me to award a remedy to the claimant and she will have to attend on 30 April 2019 to give evidence in respect of the amounts she claims.
5. The claimant also claims unfair dismissal. It appears that the claimant only worked for the respondent from 11 June 2018 until 5 September 2018 and thus lacks the qualifying service of two years to advance a claim of ordinary unfair dismissal as required by section 108 of the Employment Rights Act

1996. There are exceptions to that rule but none appear to apply. That matter will be discussed further at the hearing on 30 April 2019.

6. The respondent will only be permitted to take part in the hearing on 30 April 2019 to the extent permitted by the Employment Judge dealing with the hearing.

Employment Judge A M Buchanan

Date: 7 March 2019