



EMPLOYMENT TRIBUNALS

and

Claimant

Respondent

Mr W Kitchen

Lorrayne Russell

At a Hearing

Held at: Lincoln

Before: Employment Judge Clark (sitting alone)

On: Wednesday 24 April 2019

Representation

For the Claimant: Did not attend.

For the Respondent: Mr Peel, Consultant

JUDGMENT

1. The claimant's claims of unlawful deductions from wages and accrued holiday pay are dismissed.

REASONS

1. The claimant did not attend. The hearing was put back to 10:25 am in case he was simply running late.

2. It was not practicable to attempt direct telephone contact in the circumstances available at Lincoln. I did, however, consider the information available to me which included the fact that notice of hearing had been sent to the claimant at an email address that he was actively using to correspond with the tribunal. The claimant had participated in email exchanges confirming this case was properly listed at Lincoln, and not Leeds. I was told that Mr Peel had attempted to make email contact with the claimant since his

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instruction and had not received a reply. The date and time of the hearing had been sent to the claimant without prompting any response suggesting it was not convenient. I also noted that the parties had been ordered to comply with a series of standard directions in preparation for this hearing. The claimant had not complied with this order, including a requirement to contact the tribunal by 17 April 2019 to confirm compliance. This was the second listing of the final hearing.

3. Against those circumstances, I exercised the power given to me by rule 47 of schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 and dismissed the claims.

Employment Judge Clark

Date: 30 April 2019

JUDGMENT SENT TO THE PARTIES ON
AND ENTERED IN THE REGISTER
FOR SECRETARY OF THE TRIBUNALS