



EMPLOYMENT TRIBUNALS

Claimant: Mr A. Fullone

Respondents: Jessica Colli, trading as Il Blandfords.

**London Central
Employment Judge Goodman**

8 January 2020

DEFAULT JUDGMENT

The respondent is ordered to pay the claimant £84 pay in lieu of notice and £223.68 holiday pay, total £307.68.

REASONS

1. On 12 July 2019 the claimant presented claims against his former employer for unfair dismissal, unpaid notice, and unpaid holiday pay. The claim for unfair dismissal has been dismissed because he did not have the two years qualifying service required to bring an unfair dismissal claim. The notice and holiday pay claims remained.
2. On 2 October the tribunal sent the claim to the respondent saying that the response must be filed by 30 October 2019, and the hearing would be on Friday 13 December 2019.
3. On 29 October 2019 Mariem Al-Khafaji of Buckworths Ltd wrote saying the firm had been instructed by the respondent (though she did not identify the respondent by name). She asked for an extension of time to take instructions and file a response. In the absence of objection from the claimant, Employment Judge Wade extended the respondent's time to reply to 28 November 2019.
4. Despite the extension of time, no response, nor any further communication, has been received from the respondent or its representative.
5. The claimant was asked to confirm the identity of the employer, as Il Blandford, named as respondent on the claim form and early conciliation certificate, and is the name of the café restaurant where he worked, is not listed as a registered company, nor is Jessica Colli, who he stated was

the owner of Il Blandford, listed anywhere at Companies House as a company director. He replied that he had never had a letter or contract of employment, and could only say that the payslips carried the words: BLANDFO CAF T. Doing my best I conclude that he was employed by Ms Jessica Colli, trading as Il Blandford. If I am wrong about that, Ms Colli, or her legal representative can apply for reconsideration of the judgment against her with evidence of who did employ the claimant at Il Blandfords.

6. Rule 20 of the Employment Tribunal Rules provides for extension of time to respond to a claim, the time to respond being, by rule, 28 days from the date the tribunal sends the claim to the respondent.:

Applications for extension of time for presenting response

20.(1)An application for an extension of time for presenting a response shall be presented in writing and copied to the claimant. It shall set out the reasons why the extension is sought and shall, except where the time limit has not yet expired, be accompanied by a draft of the response which the respondent wishes to present or an explanation of why that is not possible and if the respondent wishes to request a hearing this shall be requested in the application.

I note that no draft or any ET3 response has yet been filed, whether before or after the extension granted by Judge Wade. The respondent is aware of the claim, but has not disputed it.

- 7.Rule 21 provides that where there is no response:

An Employment Judge shall decide whether on the available material (which may include further information which the parties are required by a Judge to provide),a determination can properly be made of the claim, or part of it. To the extent that a determination can be made, the Judge shall issue a judgment accordingly. Otherwise,a hearing shall be fixed before a Judge alone.(3) The respondent shall be entitled to notice of any hearings and decisions of the Tribunal but, unless and until an extension of time is granted, shall only be entitled to participate in any hearing to the extent permitted by the Judge.

This is not a complex claim. In the light of the information in the claim form and in the absence of any information that the claimant was not entitled to the statutory minimum notice of dismissal or to accrued unpaid statutory holiday, I award the sums claimed.

Employment Judge Goodman

Date 13 January 2020

JUDGMENT SENT TO THE PARTIES ON

16 January 2020

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FOR THE TRIBUNAL OFFICE

