



EMPLOYMENT TRIBUNALS

Claimant: Mr R Murray

Respondent: Loving Foods Limited

HELD AT: Manchester

ON: 14 February 2020

BEFORE: Employment Judge Holmes

REPRESENTATION:

Claimant: Not in attendance or represented

Respondent: Mr A Goldwater, Director

JUDGMENT

The judgment of the Tribunal is that the claimant's claims are dismissed pursuant to rule 47 of the 2013 Rules of Procedure.

REASONS

1. The Tribunal today was listed to hear the final hearing of the claimant's complaint of unlawful deductions from wages. Notice of Hearing was sent to the parties on 11 December 2019. Further, a letter from the Tribunal, which refers to this hearing taking place today, was sent to the parties on 18 January 2020.

2. The case was called on at 10.10 a.m., but the claimant had not attended, whilst the respondent had, in the person of Mr Goldwater.

3. When the hearing commenced Mr Goldwater invited the Tribunal to dismiss the claimant's claims under rule 47 of the Tribunal's rules of procedure. He informed the Tribunal that the respondent had had no direct communication from the claimant, but he had, apparently been in contact with ACAS.

4. In these circumstances Mr Goldwater invited the Tribunal to exercise the power it has to dismiss the claimant's claims under rule 47 of the Tribunal's rules of procedure. This rule provides that, if that party does not attend or is represented at the hearing, provided that the Tribunal has first considered all the information which is

available to it , after any enquiries that may be practicable about the reason for the party's absence, the Tribunal may dismiss the claim.

5. Having made these enquiries of the respondent, checked with the Tribunal's administration for any communication from the claimant , and having no explanation from the claimant for his absence, or the lack of any participation in preparation for the hearing, the Employment Judge was minded to dismiss the claimant's claims, and did so.

6. He also took into account that , since the claim was issued, the respondent had made a payment to the claimant of what it agreed was due to him. Whilst the claimant may have disagreed with that calculation, it was for him to attend the Tribunal, and make his case as to why that calculation was wrong. It was also noted that the claimant was seeking an additional sum of £500 as "compensation" for the late payment. The Tribunal has no power to make any such award in any event. It could only have awarded any proven underpayments, and, again if there was proof, any consequential losses such as bank charges, or late payment fees, if these were incurred.

7. This , however, given the claimant's failure to attend the hearing, is all academic, and his claims are dismissed. In these circumstances, there was no more the Tribunal could achieve in this hearing, and it was concluded.

Employment Judge Holmes
Date: 14 February 2020

JUDGMENT AND REASONS SENT TO THE PARTIES ON
18 February 2020

FOR THE TRIBUNAL OFFICE

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