



EMPLOYMENT TRIBUNALS

Claimant: Mr D Paun
Respondent: Caval Ltd
Heard at: East London Hearing Centre (by telephone)
On: Monday 19 October 2020
Before: Employment Judge Burgher

Appearances

For the Claimant: No attendance
For the Respondent: Ms J Wardell (Associate Finance Director)

JUDGMENT

The Claimant's claims for unpaid wages fails and is dismissed.

REASONS

1. The hearing commenced at 10.00. Numerous attempts were made to contact the Claimant between 10.00 and 10.10 but the Claimant did not accept the invite to the hearing.
2. The Tribunal is also aware that the Claimant had failed to comply with Tribunal orders for preparation for this hearing as he did not provide a witness statement or any relevant documents.
3. The Tribunal was provided with a helpful 26 page bundle of documents by the Respondent including a witness statement from Ms Jane Wardell, Associate Finance Director.

4. The Respondent is an employment agency. In summary the Claimant claimed unpaid sums for work done as a logger in respect of a placement by the Respondent to a client for the period 9 to 13 March 2020. The Claimant claimed £877.50.
5. Ms Wardell gave evidence under affirmation and stated that Claimant had in fact been overpaid by 4 hours and 32 minutes when the client's biometric login was assessed against the pay claims that the Claimant had submitted to them. She asserted that the Claimant had overclaimed and misstated his claims and therefore he was not entitled to any further sum.
6. Ms Wardell continued that the Claimant had made a complaint to Employment Agency Standards Inspectorate in relation to the alleged non-payment and that the Inspectorate declared in the Respondents favour by declaring that the Claimant was not owed any further hours.
7. Whilst the Inspectorate declaration is persuasive it is not necessarily binding on the Tribunal. However, given the absence of any evidence from the Claimant or any contrary evidence challenging either Ms Wardell's evidence or the validity of the Inspectorate's declaration (where it is recorded that the Claimant accepted that the biometric data of the client was correct) I conclude the Claimant's claim must fail and is dismissed.

Employment Judge Burgher
Date: 19 October 2020