



EMPLOYMENT TRIBUNALS

Claimant Mr CC Ursachi

v

Respondent Daniel Owen Ltd

FULL MERITS HEARING

Heard at: London South Employment Tribunal

On: 21 November 2017

Before: EJ Webster

Appearances

For the Claimant: Did not attend

For the Respondent: Did not attend

JUDGMENT

1. The Claimant's claim for a redundancy payment is dismissed.

REASONS

2. By a claim form received on 24 August 2017, the Claimant brought a claim for a redundancy payment.
3. The Claimant was only employed for one day on 14 July 2017. In the claim form he ticked the box under Section 8.1 stating that he was claiming a redundancy payment. In box under Section 8.2 he stated,

"I don't been paid correctly."

He did not state how much he was claiming.

4. The respondent responded by ET3 dated 6 October 2017 stating that the claimant had not been an employee. They are recruitment agents for the construction industry. They had placed the claimant to work for a client for one day on 14 July 2017 and that he had been paid for the work he did. They refuted that he was owed any money and that he was not entitled to a redundancy payment.
5. The Tribunal concludes that the claimant did not have the requisite service to be entitled to a redundancy payment. Employees with more than two year's continuous employment (s155 Employment Rights Act 1996) are entitled to a statutory payment (s135(1) ERA 1996). The claimant only had one day and therefore does not satisfy that test.
6. Further and in the alternative, the Tribunal, of its own initiative strikes out the claimant's claim. The claimant did not appear to the Tribunal today to set out the basis for his claim. The Tribunal clerk telephoned the claimant on the morning of the hearing but did not get a response. Under Rule 47 Tribunal Rules and Procedures 2013, the Tribunal is entitled to strike out a claim if the claimant does not attend without reason.
7. Further and in the alternative, the claimant was given several opportunities (26 September, 5 October and 1 November) to set out the basis for his claim and he did not respond in writing. Under Rule 37 the Tribunal can, on its own initiative, strike out a claim for certain specified reasons. In this case the claimant has failed to comply with a tribunal order (Rule 37 (c)) and failed to actively pursue his claim (Rule 37(d)). The claimant had been notified by the Tribunal, by letter dated 1 November 2017 that his claim may be struck out. He did not respond to that letter.
8. I therefore conclude:
 - (i) The claim for a redundancy payment has no merit and is dismissed.
 - (ii) If I am wrong in that it should be struck out under Rule 47, Rule 37 (c) and Rule 37(d).

Employment Judge Webster

28/11/2017