



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Miller

**Respondent:** Steven Gray

**Heard at:** Leeds      **On:** 28 February 2018

**Before:** Employment Judge Cox

## Representation

**Claimant:** Did not attend and was not represented

**Respondent:** Did not attend and was not represented

## JUDGMENT

1. The Respondent's name is amended to Steven Gray.
2. This claim fails and is dismissed.

## REASONS

1. In his claim form the Claimant claimed that the Respondent had unfairly dismissed him from his job as a chef and said that he was owed notice pay, holiday pay and arrears of pay. In the box on the claim form for details of claim, the Claimant said: "Sacked me on the spot with no notice for nothing. he was upset at a text message he received. but did not pay me any monies due". In the box for the compensation or remedy sought, the Claimant said: "1 months pay. £1500.24".
2. The claim of unfair dismissal was struck out on 3 January 2018 on the ground that it had no reasonable prospect of success because the Claimant did not have sufficient continuous employment with the Respondent to qualify to bring that claim.
3. On 23 January 2018 the Respondent filed a response defending the remaining aspects of the claim. He stated that the Claimant had walked off the job. He attached spreadsheets showing the payments he had made to the Claimant.
4. At the Hearing on 28 February 2018 to decide the claim neither party attended. The Tribunal telephoned both parties to enquire as to why they were absent. The Tribunal was unable to obtain a response from the

Claimant on either of the contact numbers he had provided. The Respondent said that he was unaware that he had to attend the Hearing.

5. The Tribunal decided to decide the claim in the absence of the parties. It was unable to identify from the contents of the claim form what holiday pay or arrears of pay the Claimant alleged he was owed, and the Claimant had not attended to give evidence to clarify this. The claim for notice pay was dependent on the Claimant having been dismissed, and this was disputed by the Respondent. Without evidence from the Claimant, the Tribunal had no basis upon which to uphold this aspect of his claim either.
6. The Tribunal concluded that the claim should be dismissed.

Employment Judge Cox

Date: 28 February 2018