



EMPLOYMENT TRIBUNALS

Claimant: Mr J Pegrum
Respondent: Mr James Holt
Heard at: Reading **On: 3 January 2020**
Before: Employment Judge Gumbiti-Zimuto

Appearances
For the Claimant: Not attending and not represented
For the Respondent: No response entered

JUDGMENT

1. The respondent has made an unauthorised deduction from the claimant's wages. The respondent is ordered to pay to the claimant £2168.00. This is the gross amount. If the respondent pays the tax and national insurance due to HMRC, payment of the net amount will meet the judgment debt.
2. The claims for notice pay and holiday pay are dismissed.

REASONS

1. On the 7 February 2019 the claimant asked for early conciliation with James Holt, of Unit 2 Wellington Industrial Estate, Basingstoke Road, Reading, Berkshire, RG7 1AW. A conciliation certificate was issued on 13 February 2019. In a claim form presented on the 13 February 2019 the claimant made a claim against James Holt. He claimed that he is owed notice pay, holiday pay and arrears of pay.
2. The claimant stated on the claim form that he was employed by the respondent as a "Gutter Technician" from 15 August 2018 until 10 October 2018. He further stated in his claim form that he worked 60 hours a week and that his pay before tax was £2500 per month, and surprisingly, his normal take home pay was £2500 per month. In section 8.2 of the claim form the claimant wrote: "I am owed 2168 pounds in unpaid wages. I also never got any notice period for work to be ending." In section 9.2 of the claim form the claimant stated that the remedy he is seeking was "My wages that I have

worked for. Any holiday pay or bonuses or commission I had earned. 1 weeks additional pay for not getting a notice period.”

3. The claim form and notice of claim was sent to James Holt on the 22 February 2019. The respondent was informed that his response must be received at the Tribunal office by 22/03/2019 and given notice of hearing to take place on the 3 January 2020 at 10.00 am.
4. The claim form and notice of claim was returned to the Tribunal office marked “*R.T.S.*” The claimant was informed that the claim form had been returned and asked if he had alternative address for respondent. The claimant wrote to the Tribunal office on the 16 March 2019 and informed the Tribunal that he did not have another address for the respondent. The claimant wrote: “Unfortunately I do not have another address, the address I gave in the forms was for the office unit in Spencer’s Wood (Reading) were (*sic*) I was told he is still the landlord.”
5. On the 12 April 2019 the Tribunal wrote to the claimant informing him that I had considered the claim form and did not consider it was “suitable for a Rule 21 Judgment as it is not clear what the claimant is entitled to recover.” The claimant was informed that the case remains listed.
6. The claimant did not attend the hearing. There has been no response from the respondent and the respondent did not attend. It is not clear whether the respondent has ever received the claim form and notice of claim as the envelope in which they were sent to the respondent were returned to the Tribunal office marked “*R.T.S.*”
7. Rule 47 of the Employment Tribunals Rules of Procedure 2013 provides that: “If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party’s absence.”
8. I have decided that it is appropriate to proceed with the hearing having regard to the history of the claim set out above, there is no application for postponement, and I do not consider that a postponement would be in the interests of justice.
9. The claim form contains the information required so that the claim can properly be accepted having regard to Rules 8, 10 and 12. The claim form was sent to the respondent as required by rule 15. No response was received and as stated above I declined to make a rule 21 judgment. The claimant has failed to attend or to be represented at the hearing, so I may dismiss the claim or proceed with the hearing in the absence of the claimant. Before doing so, I must consider any information which is available to me. I am unaware of any reason for the claimant’s absence.
10. The claim form states “I am owed 2168 pounds in unpaid wages”. There is no further explanation about his claim. The claims for notice pay and holiday pay

are not quantified or explained. It is not clear whether there is any entitlement to any award in this respect in relation to these sums.

11. Accepting the contents of the claim form at face value the claimant is entitled to an award of £2168 in respect of unpaid wages and the claims for holiday pay and notice pay are be dismissed.

Employment Judge Gumbiti-Zimuto

Date: 3 January 2020

Sent to the parties on: 14 January 2020

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For the Tribunals Office

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