



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Mr S Petruzzella**

**v**

**Modern Living Design Service  
Limited**

**Heard at:** Watford

**On:** 27 June 2017

**Before:** Employment Judge Milner-Moore

## **Representation**

**For the Claimant:** No attendance

**For the Respondent:** No attendance

## **RESERVED JUDGMENT**

The claim of unlawful deduction from wages is dismissed.

## **REASONS**

1. The claimant presented a claim of unlawful deduction from wages asserting that he was employed by the respondent as an architect's assistant but never received any pay for the three week period during which he worked for the respondent.
2. The tribunal sent a notice of today's hearing to both parties on 11 April 2017 and the tribunal file shows that there was subsequent correspondence from the claimant requesting that today's hearing be brought forward in time. That did not prove possible and on 10 June 2017 Employment Judge Manley wrote to the claimant to inform him that the case remained listed for 27 June 2017. A telephone call was made by the tribunal's administrative staff yesterday to the claimant to remind him of today's hearing. Neither the claimant nor the respondent has attended today. I have asked the tribunal's administrative staff to make further enquiries and to telephone the claimant

to try to establish whether there is any good reason for his non-attendance but it has not been possible to obtain a response from the claimant.

3. I have considered whether to proceed with the hearing in the absence of the parties. I reviewed the tribunal file but do not consider that there is any material from which it would be appropriate for me to proceed in the claimant's absence. The onus is on the claimant to establish his entitlement to the monies claimed and he has failed to attend and to give evidence in support of his complaint. In the circumstances I consider it appropriate to dismiss the claim in light of his non-attendance.

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Employment Judge Milner-Moore

Date: 17 July 2017.....

Sent to the parties on: .....19/08/2017...

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For the Tribunal Office