



EMPLOYMENT TRIBUNALS

Between:

Mr S Langon
Claimant

and

1. TVR Group Ltd
2. High Rise Conservation & Heritage Ltd
2583

Respondents

RECORD OF A CLOSED TELEPHONE PRELIMINARY HEARING

Heard at: Nottingham **On:** Wednesday 20 February 2019

Before: Employment Judge Britton (sitting alone)

Representation

For the Claimant:

No appearance and no explanation

For the Respondents:

Mr R Hallam, Director

JUDGMENT

1. The claim for outstanding wages succeeds in the balance sum of £782.26. This will be paid by the Second Respondent to the Claimant.
2. The hearing of this case currently scheduled for 12 – 14 August 2019 at Nottingham is cancelled.

Introduction

1. This case has a long and unfortunate history. The correct position is as follows.
2. On 27 August 2018, the Claimant presented a claim against the two Respondents for unpaid wages in the sum of £3,342.26. That was his only claim. He set out the history of the non-payment and what he was owed.
3. Unfortunately, this case was wrongly coded. It was treated, it seems, as inter alia a claim requiring a 3 day hearing before a full tribunal panel. Accordingly, on 11 October 2018, it was listed for 3 days at Nottingham between 12 and 14 August 2019 and extensive standard directions issued. It was also listed for a case management discussion to take place by telephone on 22 January 2019.

4. Having asked for a short extension to present a Response, in due course this was presented on 14 November 2018. In principle, the Respondents did not dispute that monies were owed to Mr Langon. By raising a loan, £2,100 has already been paid to him. As to the balance of £1,2042.26, the only issue was that they required from Mr Langon receipts in relation to £460 of that sum. Otherwise they did not dispute liability. I have learned today from Mr Hallam that this is in relation to fuel expenditure and that therefore it is a requirement that the relevant employee provide the receipts. He has asked Mr Langon for the same but has yet to receive them.
5. Of course, at the stage of the ET3 being received, what should have happened is that the matter ought to have been referred to an Employment Judge on the basis that it was at least a partial admission and it should have been spotted that this was not anything other than what is known as a short track case and the main hearing should have been cancelled and indeed the case management discussion. What should have happened was to write to the Claimant to request that he provide the necessary receipts but none of that happened.
6. As it is, the case management discussion for 22 January got postponed because of lack of Judges and was put in the list for today. Of course, when I read the papers before the commencement of the preliminary hearing, it was obvious that all of this was never needed and this was a simple case of non-payment of wages.
7. As Mr Hallam on behalf of the Second Respondent (which continues to trade) does not stand in the way of a judgment for the outstanding sum, less that which relates to petrol expenses and because the Claimant has not provided the receipts, all I need to do is to issue a judgment.
8. Of course, If Mr Langon had appeared before me today, he could have explained the issue on the petrol receipts but he has failed so to do.

Employment Judge Britton

Date: 21 February 2019

Sent to the parties on:

For the Tribunal: