



EMPLOYMENT TRIBUNALS

Claimant: Mr G Singh

Respondent: H E Outsource Services Ltd

Heard at: Cardiff **On:** 12 April 2022

Before: Employment Judge S Moore

Representation

Claimant: Did not attend

Respondent: Did not attend

JUDGMENT

The Claimant's claim is dismissed.

REASONS

Background and introduction

The ET1 was presented on 30 September 2021. The claimant brought a claim for unauthorised deduction from wages. The claim was served on the respondent on 19 November 2021 at the address Riverside business Park, Mallard Way, Swansea SA7 0AJ. No response was entered and on 5 January 2022 it was re-served on the respondent's registered office at 16A Axis Court, Mallard Way, Swansea. No response was entered to that re-served claim and accordingly on 3 March 2022 the claimant was advised that a Rule 21 judgment could be entered if he provided information to enable the tribunal to issue a Rule 21 judgement. The claimant was asked to provide information to the tribunal within seven days.

The claimant did not reply to that email and on 15 March 2022 the claimant was asked to respond within a further seven days. He was reminded that the hearing remained listed for 12 April 2022 at 10 o'clock. The claimant did not reply to that email either.

On 16 March 2022, the respondent entered a response out of time but did not provide an explanation as to why the response was late. No decision had been made on whether to accept that response out of time. The respondent asked for a postponement but that was refused as the respondent had not provided evidence

of any holiday.

The hearing was listed on 12 April 2022 in person as the claimant had indicated he could not take part in a video hearing. The tribunal waited until 1015 am but neither party attended. The clerk was then directed to try and contact the parties to establish their whereabouts. The clerk telephoned the claimant at the number provided on the ET1 but could not obtain a reply. There was no telephone number for the respondent neither was there an email.

Rule 47 of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013 provides as follows

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.

Conclusions

The claimant has failed to provide any evidence in support of his claim despite being ordered to do so on two occasions. He also failed to attend today or produce any evidence in support of his claim.

I have determined that the claim shall be dismissed under Rule 47. Reasonable enquiries were made as to the whereabouts of the claimant and he did not attend the hearing. I therefore consider that the claimant has not provided any evidence on which a judgement could be determined even his absence and it is in accordance with the overriding objective that the claim shall be dismissed.

Employment Judge S Moore

Date 12 April 2022

JUDGMENT & REASONS SENT TO THE PARTIES ON 13 April 2022

FOR THE TRIBUNAL OFFICE Mr N Roche