



EMPLOYMENT TRIBUNALS

Claimant: Mrs C Watkinson

Respondent: Mr S Sriranganathan

Heard at: Nottingham (via CVP) **On:** 22 June 2022

Before: Employment Judge Varnam

Representation

Claimant: No appearance or representation

Respondent: No appearance or representation

JUDGMENT

1. The Claimant's claim of unlawful deductions from wages is dismissed.

REASONS

1. This matter was listed before me at 10am today, 22 June 2022, to consider the Claimant's claim of unlawful deductions from wages.
2. Upon consideration of the Tribunal file and information provided to me by the Tribunal staff, I am satisfied of the following matters:
 - (1) On 28 May 2022, a notice of hearing was sent to both parties, informing them that the hearing was to take place in person on 22 June 2022. This notice was sent to the Claimant by e-mail to the e-mail address that she gave in her ET1.
 - (2) Also on 28 May 2022, both parties were sent a CVP enquiry letter and form, asking them for their views on conducting the hearing by videolink. The Claimant was sent the CVP enquiry letter and form attached to the same e-mail that attached the notice of hearing.
 - (3) On 12 June 2022, the Claimant responded, indicating that she was able to attend a hearing via videolink. This matched the

information provided by the Claimant in her ET1, where she also confirmed that she was able to take part in a hearing by videolink. The fact that the Claimant clearly received and responded to the CVP enquiry letter and form means that she must also have received the notice of hearing attached to the same e-mail, and should have known that the hearing was listed for today.

- (4) Employment Judge Broughton subsequently considered the matter, and determined that the hearing should proceed via videolink, using the Tribunal's CVP system.
 - (5) On 20 June 2022, at 13:25, a member of Tribunal staff e-mailed both the Claimant and the Respondent. This e-mail had attached to it a copy of a notice confirming that the matter would proceed by videolink/CVP. The e-mail also attached the link for the hearing and joining instructions explaining how to join a CVP hearing.
 - (6) The e-mail was sent to the e-mail address that the Claimant gave in her ET1, and which she has used to communicate with the Tribunal. I am satisfied, therefore, that this should have been received by the Claimant.
3. The notice sent on 20 June expressly reiterated that the hearing would take place at 10am today, and asked both parties to join the hearing thirty minutes before it was due to start (i.e. by 9.30am). Notwithstanding this instruction, neither party had joined the hearing by 9.30am, nor indeed by 10.35am, the point at which I decided to dismiss the claim.
 4. When neither party had attended by 10am today, the Tribunal clerk attempted to telephone the Claimant, using the number that she had provided in her ET1. He was met with a message telling him that the number was invalid. No attempt was made to contact the Respondent by telephone, as he had failed to provide a telephone number in his ET3.
 5. I was informed that there had been no recorded contact this morning from either party to the Tribunal, nor does there appear to have been any other contact indicating that they could not attend a hearing today. There was no record of either party having attended any of the Tribunal's hearing centres in person today.
 6. Based on the above matters, I am satisfied that (i) the Claimant knew or ought to have known that the hearing was listed for 10am today, (ii) the Claimant knew or ought to have known that the hearing was to take place via CVP, and (iii) the Claimant is able to attend a hearing via CVP.
 7. In the circumstances, I have no information to explain the non-attendance of either party.
 8. The burden of proof in this matter rests with the Claimant, and, on the facts of this case, the Claimant cannot discharge that burden if she does not attend to give evidence.
 9. Accordingly, given that I am satisfied that the Claimant could have attended the hearing and have no explanation for her non-attendance, I

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have decided to dismiss the claim pursuant to rule 47 of the Employment Tribunal Rules of Procedure 2013.

Employment Judge **Varnam**

22 June 2022