



## EMPLOYMENT TRIBUNALS

Claimant

Respondent

**Mr D Mpehla**

**v**

**Central Heating Hub Limited  
(in Voluntary Liquidation)**

Heard at: **Birmingham** On: **3 August 2023**  
**(conducted in public on  
the Cloud Video  
Platform)**

Before: **Employment Judge Kenward (sitting alone)**

Appearances

For the Claimant: **not in attendance**

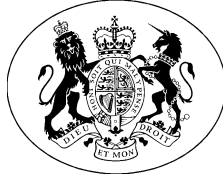
For the Respondent: **no appearance**

### JUDGMENT

The Claim is dismissed pursuant to rules 47 and 52 of the Employment Tribunal Rules of Procedure 2013.

### REASONS

1. The Claimant in this case was seeking to recover a deduction of £600 from his wages with which he did not agree. The money was deducted in respect of vehicle damage.
2. Prior to the date of a hearing listed for 26 January 2023, the Respondent had gone into the creditors' voluntary liquidation and it was directed that the Claim be re-served on the liquidators which took place on 18 January 2023 with the hearing listed for January 2023 being relisted as a preliminary hearing
3. The preliminary hearing was conducted by video and attended by the Claimant. The Joint Liquidator indicated in advance that the Respondent would not be represented at the hearing. The outcome of the preliminary hearing was that the



case was listed for a final hearing on 3 August 2023 (to take place by video using the Tribunal's Cloud Video Platform) and Case Management Orders were made, with it being ordered that the Claimant should file a witness statement by 30 March 2023.

4. The Case Management Order from the preliminary hearing records that the Claimant had accepted that there had been damage to a work van and further records that the Claimant did not dispute that he was responsible for the cost of the necessary repair or that the Respondent was, in principle, entitled to deduct the cost of repair from his wages. However, the Claimant's case was the damage should cost no more than £150 to repair so that the difference of £450 amounted to an unauthorised deduction.
5. The Respondent, whether through the Liquidator or otherwise, has subsequently taken no steps in the proceedings.
6. Neither party attended the final hearing on 3 August. The fact that there was no attendance by on behalf the Respondent was not surprising given that Respondent company is in liquidation. In view of the Claimant's non-attendance, the Tribunal's Clerk was directed to try and make telephone contact with the Claimant and was successful in doing so. The Claimant explained to the Tribunal's clerk that he was at work and had not been aware of the hearing, but that he was no longer pursuing the matter anyway.
7. From a perusal of the Tribunal file, it can be seen that e-mails regarding the final hearing were sent to the Claimant on 7 February 2023 and 27 July 2023 using the e-mail address given by the Claimant on the ET1 Form of Claim. The Claimant had not filed a witness statement and did not reply to the e-mail of 27 July 2023 which was requiring an electronic bundle of documents to be filed for the hearing (although the Claimant had filed documentary evidence prior to the preliminary hearing in January).



8. In the circumstances in which the Claim has not been pursued since the preliminary hearing and in which the Claimant has not attended the final hearing and has told Tribunal that he is no longer pursuing the matter, the Tribunal has decided to dismiss the Claim pursuant to rule 47 of the Tribunal's Rules of Procedure 2013, by reason of the Claimant's non-attendance at the final hearing, and pursuant to rule 52 of the Tribunal's Rules of Procedure 2023, on the basis of having been withdrawn by the Claimant.

**Employment Judge Kenward**

Dated 16 August 2023