



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4104306/2023

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**Final Hearing held in Glasgow remotely by Cloud Video Platform on
11 April 2024**

Employment Judge A Kemp

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Mr Brian Shonna

**Claimant
No appearance**

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Abbey Architectural Services Ltd

**Respondent
Represented by:
Mr Ian Balfour,
Director**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Claim is dismissed under Rule 47.

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REASONS

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1. This was a Final Hearing held remotely. The claimant originally made claims that included for unfair dismissal and a statutory redundancy payment, but both were dismissed as he did not have the service to make them. The remaining claims made are for unauthorised deductions from wages and breach of contract. The respondent disputed the claims, argued that it was not in breach of contract, and that the claimant has received all the sums to which he was entitled.

2. There is a separate issue as to the identity of the employer. The respondent alleged that it was a limited company. The Tribunal wrote to the parties to state that the name of the respondent would be changed unless that was timeously responded to, which it was not.
- 5 3. The Tribunal had made a case management order requiring parties to exchange documents no later than 28 days before the Final Hearing. The claimant had not, I was informed by the respondent, done so.
4. The claimant did not appear at the hearing. The respondent did so, through Mr Balfour. The clerk attempted to telephone the claimant using
10 the number he provided on the Claim Form on four occasions, without success. She sent an email to the email address on the Claim Form stating that the hearing was taking place at that time, and attaching the joining information again. The claimant did not attend.
5. The respondent applied for the dismissal of the claim. Having regard to
15 the terms of Rule 47, the failure of the claimant to attend, his lack of production of supporting documents for the claims made, and that he had not, Mr Balfour informed me, contacted the respondent in any way, I decided that it was in accordance with the overriding objective in Rule 2 to dismiss the claim.
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Employment Judge A Kemp

Employment Judge

11 April 2024

Date of judgment

15 April 2024

Date sent to parties

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