



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C McLean

**Respondent:** XS Recruitment Limited

**HELD AT:** Manchester

**ON:**

9 July 2021

**BEFORE:** Employment Judge Holmes

## REPRESENTATION:

**Claimant:** Not in attendance or represented

**Respondent:** Miss J Sanderson Brown, HR

# JUDGMENT

The judgment of the Tribunal is that the claimant's claims are dismissed pursuant to rule 47 of the 2013 Rules of Procedure.

## REASONS

1. The Tribunal today was listed to hear the final hearing of the claimant's complaint of unlawful deductions from wages. Notice of Hearing was sent to the parties on 22 April 2021.
2. Further, following receipt of the response, in which the respondent contended that the claimant had been overpaid, a letter was sent to the claimant from the Tribunal, by email on 25 June 2021, seeking his comments.
3. A further letter was also sent on 8 July 2021 asking whether the hearing was to go ahead.
4. No response was received from the claimant to either letter. Further, in the Notice of Claim document sent on 22 April 2021, the claimant was ordered to take certain steps in preparation for the hearing, none of which he has taken.
5. At 2.15 on the day of the hearing, the claimant did not participate, but Miss Sanderson Brown for the respondent did. She too had had no communication with the claimant, who now is no longer employed by the respondent. The Tribunal clerk attempted to telephone the claimant, but was unable to reach him, leaving a message.

6. When the hearing commenced , Miss Sanderson Brown invited the Tribunal to dismiss the claimant's claims under rule 47 of the Tribunal's rules of procedure .

7. This rule provides that , if that party does not attend or is represented at the hearing, provided that the Tribunal has first considered all the information which is available to it , after any enquiries that may be practicable about the reason for the party's absence, the Tribunal may dismiss the claim.

8. Having made these enquiries of the respondent, checked with the Tribunal's administration for any communication from the claimant , and having no explanation from the claimant for his absence, or the lack of any participation in preparation for the hearing, the Employment Judge was minded to dismiss the claimant's claims, and did so.

Employment Judge Holmes

Date: 9 July 2021

JUDGMENT AND REASONS SENT TO THE PARTIES ON

22 July 2021

FOR THE TRIBUNAL OFFICE

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