



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Jallow Sillah

**Respondent:** Mr M Truett

**Heard at:** Birmingham (via video link; R in person)

**On:** 2 August 2022

**Before:** Employment Judge J Jones

## Representation

Claimant: No appearance

Respondent: In person

# JUDGMENT

The claim for wages is dismissed.

## REASONS

1. By a claim form lodged on 2 September 2021, following ACAS early conciliation from 10-11 August 2021, the claimant claimed unfair dismissal, a redundancy payment and unpaid wages following 5 weeks of working as a delivery driver for Rico Logistics Limited from 4 May to 20 July 2021, when he resigned.
2. The claims for unfair dismissal and for a redundancy payment were struck out by Employment Judge Gaskell on 19 January 2022 as the claimant had failed to show cause why these claims could proceed when he had less than 2 years' service.
3. In relation to the only remaining claim, the claimant alleged that Mr Truett was responsible for paying his wages because he acted as an intermediary with Rico Logistics Limited ("Rico"), submitting the claimant's invoice to them and receiving his wages. Mr Truett defended the claim on the basis that the claimant was a self-employed contractor, and in any event had received all monies due to him from Rico via Mr Truett.
4. The parties were sent a Notice of Hearing on 20 January 2022 by email giving notice of this hearing date.

5. The parties were sent a further reminder of the hearing date on 22 July 2022, together with joining instructions for access to the video hearing room. The Tribunal file recorded that the email had been sent to the claimant's correct email address, as provided on his claim form.
6. Mr Truett attended the hearing in person today, having travelled from Bedfordshire. He told the Tribunal that he wanted to be sure that he did not miss the hearing and was present to defend himself.
7. The claimant did not attend via video link or in person. He did not contact the Tribunal office by telephone or email. The claimant indicated on his claim form that he could attend a video hearing but, mindful that digital links can sometimes fail, the Tribunal clerk emailed the claimant to establish whether he was trying to attend but having difficulty doing so. He did not reply. The Tribunal clerk then attempted to telephone the claimant on the number that he had given to the Tribunal, but was told by the person who answered that the claimant was not known at that number.
8. After considering the available evidence, which was not sufficient for the claimant to discharge the burden of proof that he was a worker under contract to Mr Truett who was owed wages, and in light of rule 47 Employment Tribunal Rules of Procedure, the Tribunal considered it was in the interests of justice to dismiss the claim.

**Employment Judge J Jones  
2 August 2022**

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