



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Greenaway

**Respondent:** Spear Auto Services Limited

**Heard at:** Cardiff **On:** 2 March 2020

**Before:** Employment Judge S Jenkins

**Representation**

Claimant: Not present or represented

Respondent: Not present or represented

## JUDGMENT

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

## REASONS

1. The hearing was listed to deal with the Claimant's claim of unauthorised deductions from wages.
2. The Respondent had not submitted a response, and therefore the hearing was arranged to determine the remedy to which the Claimant would be entitled. The hearing was scheduled to commence at 9:45am, and was allocated one hour, "*to hear the evidence and decide financial compensation or other remedy*".
3. On the morning of the hearing, neither party was in attendance. That was not surprising in respect of the Respondent, as it had not submitted any response and the notice of hearing had indicated that it would only be entitled to participate in the hearing to the extent permitted. It was however surprising in the context of the Claimant. I therefore asked the Tribunal clerk to contact him to understand whether he was going to attend and any reasons for his non-attendance.
4. The clerk was able to contact the Claimant by telephone, and was told by him that he was at work and that he was not intending to attend.

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5. Rule 47 of the Employment Tribunals Rules of Procedure provides that if a party fails to attend or be represented at a hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of the party. The Rule goes on to provide that, before doing so, the Tribunal shall consider any information which is available to it, after any enquiries that may be practicable, about the reasons for the party's absence.
7. In view of the Claimant's comment that he was not going to attend, and as he had not provided any reason for any inability to attend, I decided to proceed with the hearing in his absence.
8. In the circumstances, as the notice of hearing had informed the Claimant that the hearing would hear evidence and decide financial compensation, and as he had not been present to provide any evidence to support his claims, I considered it appropriate to dismiss them.

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Employment Judge S Jenkins

Date: 3 March 2020

JUDGMENT & REASONS SENT TO THE PARTIES ON 4 March 2020

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FOR THE TRIBUNAL OFFICE