



EMPLOYMENT TRIBUNALS

Claimant: Mr H Lockwood

Respondent: Amen Logistics Limited

Heard: by CVP **On:** 25 September 2024

Before: Employment Judge Ayre

Representation

Claimant: Did not attend the hearing and was not represented

Respondent: Stanley Antwi, Operations Manager

JUDGMENT

The claim is dismissed under Rule 47 of the Employment Tribunals Rules of Procedure 2013.

REASONS

Background

1. On the 5 February 2024 the claimant issued this claim in the Employment Tribunal following a period of early conciliation that started on 16 January 2024 and ended on 22 January 2024. The claim is for unauthorised deductions from wages.
2. In the claim form the claimant says that he was employed by the respondent from 6 November 2022 as a delivery driver and that his employment was ongoing. He alleges that the respondent made unauthorised deductions totalling £1,100 from his wages, and that he is entitled to "*damages of £1,000*".

3. The respondent defends the claim. It says that it employed the claimant from 6 November 2023 to 30 December 2023 and that, in breach of his contract of employment, he took the respondent's van home and used it for personal use. It also says that the van was damaged when the claimant hit a curb when driving it for personal use, causing damage and recovery costs of £1,500, and that the deductions from the claimant's wages were used as part payment of the costs.
4. The case was originally listed for a final hearing on 27 June 2023 and, by letter dated 10 April 2024, Case Management Orders were made to prepare the case for that hearing. Neither party complied with the Case Management Orders. There was no evidence before the Employment Judge at that hearing and the case was not ready for trial, so the hearing was converted to a case management preliminary hearing. The case was relisted for today, and Case Management Orders were made to prepare the case for today's hearing. Those Case Management Orders were explained to the parties at the hearing and set out in writing in the Record of the hearing.
5. The Case Management Orders required the claimant to send information, including a witness statement and any documents he wanted to rely on, to the Tribunal by 22 August 2024. They also required the respondent to send evidence, including any witness statements and evidence, to the Tribunal by 5 September 2024.
6. Once again, neither party has complied with the Case Management Orders. On 23 September 2024 a letter was sent to the parties directing them to inform the Tribunal by return whether the Orders had been complied with. The claimant did not reply to the Tribunal's letter. The respondent did and sent in a few documents with an apology for its non-compliance.

The hearing

7. The claimant did not attend the hearing today. He did not contact the Tribunal to state that he was not attending or seek a postponement.
8. The start of the hearing was delayed until 10.30 to give the claimant time to join. He did not do so. The clerk telephoned the claimant on the telephone number given on the claim form six times. On each occasion the call went straight to voicemail and the clerk was unable to speak to the claimant.
9. A member of Tribunal staff checked the Tribunal's email inbox. No correspondence had been received from the claimant.
10. Mr Antwi attended the hearing on behalf of the respondent. He told the Tribunal that the respondent had not heard from the claimant since the last hearing and had not received any documents from him.

The Law

11. Rule 47 of the Employment Tribunals Rules of Procedure (Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013) provides as follows:

“If a party fails to attend or to be represented at the hearing, the Tribunal may dismiss the claim or proceed with the hearing in the absence of that party. Before doing so, it shall consider any information which is available to it,

Conclusions

12. The claimant has taken no steps to progress his claim since attending the last hearing. He has not complied with any of the Case Management Orders made by the Tribunal. As a result of his and the respondent's non-compliance with the original Case Management Orders (set out in the Tribunal's letter of 10 April 2024) the hearing in June had to be converted to a Preliminary Hearing for case management.

13. The claimant did not attend today's hearing or contact the Tribunal to inform the Tribunal he would not be attending or seek a postponement. Attempts have been made to contact him but to no avail.

14. In the circumstances, I am not satisfied that adjourning the hearing would result in the claimant participating in these proceedings. The claimant has not sent in any evidence to support his claim, despite being ordered to do so.

15. The claim is therefore dismissed under Rule 47 of the Employment Tribunals Rules of Procedure.

Employment Judge Ayre

Date: 25 September 2024