



EMPLOYMENT TRIBUNALS

Claimant
J Lima Aguiar

v

Respondent
Norwegian Air Resources UK Ltd
in liquidation

JUDGMENT

Rules 47 and 60 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

1. The Claimant stated in her claim form that she was entitled to 23 days unpaid holiday pay from the Respondent, which was additional to 8 days holiday pay she had received from the Redundancy Payments Service following the Respondent's insolvency, and to compensation for delay and damage to her personal life and financial status.
2. Tribunal directions dated 5 July 2021 gave notice to the parties that the Respondent had failed to present a response to the Claimant's claim within the specified period and that further information was required from the Claimant, with a deadline of 7 days. There is no evidence that the Claimant responded to those directions, which were sent to her representative specified in the Claim Form, Unite the Union, only.
3. The Respondent subsequently responded to the claim on 20 September 2021, from Joint Liquidators who were said to have been appointed to the Company on 29 January 2021. The Joint Liquidators stated that they had no objections to the case being heard but noted that employees were provided with the necessary forms to make claims for redundancy, notice, wages and accrued holiday pay from the Insolvency Service, and with documents from Jobcentre Plus.
4. A hearing was subsequently arranged to be conducted by Cloud Video Platform at 10:00 on 14 January 2022, with notice that was issued to the parties on 17 August 2021. Again, the notice was sent to the Claimant's representative only. However, a joining link was sent to the Claimant's personal email address specified in the Claim Form.
5. There was no appearance by or for either of the parties at the hearing. The Tribunal Office repeatedly attempted during the morning to contact the Claimant by her telephone number specified in the Claim Form, more than five times, and on each attempt a recorded message stated that the person

who was called was on another line. The Office also sent an email to the Claimant's personal email address specified in the Claim Form, before 10:46 on 14 January 2022.

6. By email of 11:03 on 14 January 2022, the Claimant's representative named in the Claim Form advised the Tribunal Office that they are not representing the Claimant in the case and asked to be removed as representative.
7. There had been no reply by the Claimant By 13:00 on 14 January 2020, when I formed the view that it was appropriate to dismiss the claim under rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, without a hearing. The Claimant had failed to attend or to be represented at the hearing and I considered all enquiries that may be practicable about the reasons for the party's absence had been exhausted.
8. I also considered that there was insufficient information regarding the amount of holiday pay or compensation the Claimant claimed to be owed, or why she considered she was entitled to holiday pay or compensation.
9. It is the judgment of the Tribunal that:
 - 9.1. The Claimant has not established that Respondent made an unlawful deduction from the Claimant's wages by its failure to pay the claimant's holiday pay,
 - 9.2. Nor has the Claimant established that she is entitled to compensation by the Respondent.

Judge of the First-tier Tribunal **T Lawrence**,
acting as an Employment Judge
Date: 14 January 2022

Sent to the parties on
Date: 17 January 2022

Notes: Reasons for the Judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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