



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C Dixon

**Respondent:** FY1 Catering Limited

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

The time for presenting a response having expired and no valid response having been presented, it is the judgment of the tribunal that:

1. The claimant's complaint of unauthorised deduction from wages is well-founded and succeeds. The respondent unlawfully deducted £538.46 from the wages due to the claimant for the period of 7 August to 20 August 2016. The respondent is ordered to pay the claimant the said sum of **£538.46**. This is a gross sum, from which the appropriate deductions for tax and national insurance should be made.
2. The claimant's complaint of failure to pay to the claimant an amount due to the claimant under regulation 14 (2) or regulation 16 (1) of the Working Time Regulations 1998 is well-founded and the respondent shall pay to the claimant the sum of **£630.76** in respect of 9 days untaken but accrued holiday (holiday pay), calculated at 8 days at £69.23 plus one day at £76.92. This is a gross sum, from which the appropriate deductions for tax and national insurance should be made.
3. The claimant's complaint of breach of contract is well-founded and succeeds. The respondent is ordered to pay the claimant his notice pay, one week's pay, at the rate of £384.62 per week, gross, in the net sum of **£312.56**, as damages for breach of contract. As this is a net sum, no further deductions should be made from it.
4. The respondent is ordered to pay the said sums to the claimant, together with the contribution to the tribunal fee of **£30.00** paid by the claimant.

**EMPLOYMENT JUDGE P C HOLMES  
DATED 20 MARCH 2017  
JUDGMENT SENT TO THE PARTIES ON  
27 March 2017  
AND ENTERED IN THE REGISTER**



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2400993/2017

Name of case(s): Mr C Dixon v FY1 Catering Limited

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 27 March 2017

"the calculation day" is: **28 March 2017**

"the stipulated rate of interest" is: 8%

MISS L HUNTER  
For the Employment Tribunal Office