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EMPLOYMENT TRIBUNALS

Claimant: Mr I Gough-Henry
Respondent: Citrus Service Group Limited
Heard at: East London Hearing Centre
On: 11 December 2017
Before: Employment Judge Brown

Representation

Claimant: In person
Respondent: Did not attend

CORRECTED REMEDY JUDGMENT

The judgment of the Tribunal is that:

1. The Respondent is ordered to pay the Claimant £11,729.64 gross unpaid wages, on account of the Respondent's unlawful deductions from the Claimant's wages.

REASONS

1 By a claim form presented on 17 September 2017, the Claimant brought complaints of unlawful deductions from wages and unpaid holiday pay against the Respondent, his former employer. In his claim form, the Claimant said that he had been TUPE transferred from his previous company to the Respondent on 7 March 2015 and that his contract was for 8 hours work each day, Monday to Friday, 40 hours per week. The Claimant said that he worked 40 hours a week and was paid £1,629, gross, monthly.

2 On 28 September 2017 the Employment Tribunal sent the Respondent notice of the Claimant's claim, including his ET1 claim form, and gave Notice of Hearing for today, Monday 11 December 2017, at 12.00am. The ET told the Respondent that, if it wished to defend the Claimant, it was required to present a response to the ET by 26 October 2017. The Respondent did not present any Response to the claim.

3 On 9 November 2017 the Employment Tribunal sent a Rule 21 Judgment to the parties. The Judgment said that the parties had made unauthorised deductions from the Claimant's wages, that the Claimant had transferred to the Respondent's employment under TUPE Regulations 2006 on 7 March 2015, that the Respondent had failed to pay the Claimant any wages since 4 May 2017, that the Claimant had not been dismissed and that the Respondent had breached the terms of Regulation 4 TUPE Regulations 2006. The Judgment said that the Claimant was entitled to a remedy. The Judgment also stated that the hearing listed, today, 11 December 2017, would now be a hearing to decide the remedy due to the Claimant.

4 At today's hearing, the Claimant attended and gave evidence in support of his remedy claim. The Respondent did not attend. I noted, on looking at the Tribunal file, that the Group Director of the Respondent had emailed the Employment Tribunal on 29 November 2017, giving the correct number for this claim 3201169/2017, and asking that the Tribunal send him a copy of the Employment Tribunal Judgment and reasons, a copy of the ET1 claim form and a copy of the ET3 response form. The Employment Tribunal administration noted that those documents had been sent by post on 30 November 2017. I checked the registered address for the Respondent, Citrus Service Group Limited. It was the address to which the Tribunal had sent all correspondence in the case. I waited for 20 minutes after 12.00pm, to see whether the Respondent would attend. The Respondent did not attend, so I proceeded to hear the claim in the Respondent's absence.

5 The Claimant gave evidence and I accepted his evidence. I found that the Claimant was originally employed by Shaw Care Cleaning Services on a 40 hour a week contract and that he had been TUPE transferred to the Respondent on 7 March 2015. The terms of his employment remained the same on transfer, under *TUPE Regs 2006*. I accepted the Claimant's evidence that he was paid £1,629 monthly by the Respondent, or £375.92 per week. I accepted the Claimant's evidence that he had not been paid at all since 4 May 2017, but that the Respondent had not dismissed him.

6 At today's hearing, I allowed the Claimant to amend his claim, to include a claim for unlawful deductions from wages covering the period from the date of issue of his Tribunal claim until today's hearing. The Respondent's failure to pay the Claimant was continuing to today's date. The Respondent had not paid the Claimant for 31.2 weeks from 4 May 2017. I awarded the Claimant 31.2 x £375.92 gross by way of remedy for unlawful deductions from wages. The Respondent shall pay that sum to the Claimant, on account of its unlawful deductions from his wages.

Employment Judge Brown

12 January 2018