



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

and

Respondents

Mr M T Hossain

Ultra Security Ltd

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

SITTING AT: London Central

ON: 22 December 2017

BEFORE: Employment Judge A M Snelson (in chambers)

On reading the documents on the Tribunal file,
And the Respondents having failed to present a response to the claims,

It is adjudged that:

- (1) The Claimant's complaint of unauthorised deductions from wages is well-founded and the Respondents are ordered to pay to him in respect thereof the sum of £3,100.
- (2) The Claimant's claim under the Tribunal's contractual jurisdiction for reimbursement of expenses is well-founded and the Respondents are ordered to pay to him in respect thereof the sum of £300.
- (3) Pursuant to the Employment Act 2002, s38, the Respondents, having failed to provide the Claimant with a statement of employment particulars satisfying the requirements of the Employment Rights Act 1996, s1, are ordered to pay to the Claimant the further sum of £1,536, representing four weeks' pay.
- (4) All other claims are dismissed.

NOTE: It appears to the Tribunal (but if in doubt the parties should take independent advice) that income tax and national insurance contributions are payable in respect of the award under paragraph (1) above (but not paras (2) and (3)). If so, provided that the Respondents make appropriate deductions and account therefor to the proper authorities, payment to the Claimant of the "net" sum will represent a valid discharge of this judgment.

REASONS

1. By a claim form presented on 6 June 2017 the Claimant brought certain unparticularised money claims. The Respondents failed to present a response.
2. The matter came before me on 18 August for final hearing. No-one attended. I decided to allow the Claimant a further opportunity to make out his claims in writing and caused a letter to be sent to him setting out the information which was required. He responded in an undated, handwritten document received by the Tribunal on 27 September.
3. The file seems then to have been misplaced by the Tribunal's administrative staff. At all events, it was not referred to me as it should have been. I apologise on behalf of the administration for the resulting delay.
4. On the evidence presented by the Claimant, I find that his claims for unpaid wages for February and March 2017 are proved in the sum of £3,100 and, for reimbursement of work-related expenses, in the sum of £300.
5. I am satisfied that the Respondents failed to provide the Claimant with a statement of employment particulars and, in the absence of any explanation for that fact, the proper result is the 'higher' award of four weeks' pay, the weekly wage being based on 48 hours at £8.00 per hour (see the Employment Act 2002, s38(3)).
6. A further claim for £1,600, said to be compensation for borrowing costs and/or compensation for distress and/or inconvenience is not allowed. The former is theoretically possible but not proved by evidence; the latter is a class of compensation which the Tribunal has no power to grant.
7. The Respondents are shown on the Companies House website as 'Active – Proposal to strike off'. This means that the company may soon cease to exist. The Claimant should take steps to enforce this judgment as soon as possible. Enforcement is handled by the County Court, not the Tribunal. Reference should be made to the accompanying information. Advice can be obtained from the County Court or from a CAB or law centre. Alternatively, if the company is unable to pay the sums awarded, the Claimant may be able to recover monies from the Government, through the Redundancy Payments Office ('RPO').

EMPLOYMENT JUDGE Snelson on 4 January 2018