



EMPLOYMENT TRIBUNALS

Claimant: Mr S Stefanov
Respondent: Crouch Logistics Ltd
Heard at: Leicester
On: Friday 9 February 2018
Before: Employment Judge Ahmed (sitting alone)

Representation

Claimant: In person
Respondent: Mr Crouch, Director

JUDGMENT

The Judgment of the tribunal is that the claim for an unlawful deduction of wages is dismissed.

REASONS

1. This was a complaint of an unlawful deduction of wages by Mr Stefanov who was employed by the Respondent as a Van Loader. Mr Stefanov makes a claim for unlawful deduction of wages from 2 May 2017.
2. Mr Stefanov began working for the Respondent on 26 April 2017 at the Loughborough site which is in not in fact owned by the Respondent but by a logistics company where the Respondent has a base.
3. Mr Stefanov worked on 26, 27 and 28 April 2017. Monday 1 May 2017 was a Bank Holiday and the next working day for the Claimant would have been Tuesday 2 May 2017. However, when Mr Stefanov reached security on 2 May he was stopped at security with some alleged stolen items consisting of some phone leads. He was summarily dismissed. A letter was sent to him on 5 May 2017 from Miss Emma Clarke of the Respondent's HR Department to confirm that his employment had been terminated on 2 May due to suspected theft. He was told that any outstanding payments would be made in due course.
4. Mr Stefanov attempted to return to work on Wednesday 3 May but was escorted off site on the grounds that he had already been dismissed he was no longer required for work.
5. Subsequently, Mr Stefanov submitted two sicknotes for 15 and 22 May

2017. These were returned to him as the Respondent made it clear he was no longer employed.

6. The Claimant's claim for outstanding wages for three days which were originally withheld in accordance with the provisions of the Claimant's contract of employment. Subsequently however the Claimant was sent a cheque for £96 representing wages for those three days. Any claim before 2 May has therefore been paid.

7. Mr Stefanov disputes the Respondent's version of events saying that he was not stopped at security on 2 May but he was in fact stopped when he was leaving the premises on that day and was told that if he did not get a telephone call telling him not to attend work he should turn up for work as normal the following day. He did not receive a call and so he regarded himself as still employed.

8. Having heard from both sides, I prefer the Respondent's version of events. I am satisfied that the Claimant was sent a letter of dismissal on 5 May 2017 explaining that his employment had been terminated on 2 May 2017. I do not accept the Claimant's suggestion that this letter has been created after the event. The letter was written by Miss Clarke who has since left the Company. There was no reason for her to fabricate it. I am also satisfied the Claimant would have received the letter. He has received all other correspondence sent to that address.

9. In the circumstances the Claimant was dismissed on 2 May. He has been paid up to then. He was no longer an employee after that date and as such there are no outstanding wages due beyond 2 May as claimed. The claim is therefore dismissed.

Employment Judge Ahmed
Date: 8 May 2018

JUDGMENT SENT TO THE PARTIES ON
19 May 2018

FOR THE TRIBUNAL OFFICE

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