



EMPLOYMENT TRIBUNALS

Claimant: Miss F Allman

Respondent: ROC&RYE LTD

Heard at: Manchester

On: 1 October 2018

Before: Employment Judge Sherratt

REPRESENTATION:

Claimant: In person

Respondent: No response received

JUDGMENT having been sent to the parties on 2 October 2018 and written reasons having been requested by the respondent in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

REASONS

1. The claimant brought a claim alleging unauthorised deductions from her wages. She set the basis of her claim out clearly in the document attached to her claim form.
2. The claimant gave evidence upon affirmation to confirm the missing payments totalling £1,428.58 and in my judgment this sum has been wrongfully deducted from the claimant's wages and the respondent is ordered to pay it to her.
3. At the hearing I was in possession of an email sent on behalf of the respondent and I considered it with the claimant. Having accepted that the claimant left the business after being owed £1428.58 in wages they say that the claimant was paid eight payments of £100 as advance pay between 18 April and 5 June 2017. Whilst the claimant accepted that such payments had been made to her, she did not treat them as wages. They were paid to her before she started work and before she signed any contract of employment as a sort of retainer when the respondent

company did not start to trade as quickly as had been anticipated when the offer of employment was made and accepted.

4. The money was not paid to her as wages and was paid to her without any agreement to return it or give credit for it.

5. If the claimant subsequently signed a contract of employment allowing the respondent to recover sums due to it from her wages it would not cover money paid before the contract was signed.

6. In my judgment the claimant is under no obligation to return this payment to the respondent or to give credit for it.

Employment Judge Sherratt

26 October 2018

REASONS SENT TO THE PARTIES ON

31 October 2018

FOR THE TRIBUNAL OFFICE

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