



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4103941/2018

Miss C Fraser

Claimant

Kenneth Andrew Wilson
C/O Accountant in Bankruptcy

Respondent

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

An Employment Judge has decided to issue the following judgment on the available material under rule 21:

- 1 The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the sum of £1,649.

REASONS

1. The claimant was employed by the respondent from 2 October 2017 until 31 January 2018 when her employment was terminated along with that of the respondent's other employees. The respondent has been sequestrated and the action served on his trustee has no objection to the continuation and has not lodged an ET3.
2. At the date of termination of employment the claimant was owed 8 days' pay which is still outstanding. The claimant was paid £480.77 per week or £96.15 per day $8 \times £96.15 = £769.20$ or £769 rounded to the nearest whole pound. The claimant is required to account to the HMRC in respect of tax and National Insurance on this sum.
3. The claimant is also due holiday pay in respect of the period 2 October 2017 to 31 January 2018 or 17 weeks. Her holiday entitlement is $£480.77 \times 56 \times 17/52 = £880.18$ or £880 rounded to the nearest whole pound.
4. Total arrears due to the claimant comprise £769 arrears of pay and £880 holiday pay, making a total of £1,649.

Employment Judge: Mary Kearns
Date of Judgement: 21 August 2018
Entered in register: 21 August 2018
And copied to parties

