



EMPLOYMENT TRIBUNALS

Claimant: Mr A Boyne

Respondents: (1) GS Equipment Specialists (Manchester) Ltd
(2) Stuart Irvine

HELD AT: Manchester **ON:** 6 December 2018

BEFORE: Employment Judge Franey (sitting alone)

REPRESENTATION:

Claimant: Ms N Drinkwater (Lay Representative)

Respondents: Did not attend

JUDGMENT

1. The claimant was employed by the first respondent not by the second respondent. All claims against Mr Irvine personally are dismissed and he is removed from the proceedings. The remainder of this judgment applies to the first respondent only.
2. The complaint of unlawful deductions from pay in respect of wages and holiday pay is well founded. The first respondent is ordered to pay to the claimant the gross sum of **£3,903.80** unlawfully deducted from his pay between 1 May and 18 August 2017.
3. In addition, the first respondent is ordered to pay to the claimant the sum of **£300.00** as compensation for financial losses sustained by him attributable to those unlawful deductions.
4. The complaint of unfair dismissal succeeds. The claimant was unfairly dismissed by the first respondent. The first respondent is ordered to pay the claimant a basic award of **£2,616.00** and a compensatory award of **£6,546.00**.
5. The recoupment regulations apply. The total monetary award for unfair dismissal is £9,162.00. The prescribed period is from 18 August 2017 to 31 December 2017. The prescribed element is £6,546.00. The amount by which

the total monetary award for unfair dismissal exceeds the prescribed element is £2,616.00.

6. The total amount to be paid by the first respondent to the claimant under this judgment is **£13,365.80**.

Employment Judge Franey

6 December 2018

JUDGMENT SENT TO THE PARTIES ON

12th December 2018

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2424092/2017**

Name of **Mr A King** v **GS Equipment Specialists (Manchester) Ltd & Others**
case(s):

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **12th December 2018**

"the calculation day" is: **13th December 2018**

"the stipulated rate of interest" is: **8%**

MR J HANSON
For the Employment Tribunal Office