



EMPLOYMENT TRIBUNALS

Claimant: Mr A Mulvanny

Respondent: The City Hit Limited
t/a Clocktower Gym

Heard at: Ashford

On: 21 December 2018

Before: Employment Judge Pritchard

Representation
Claimant: In person
Respondent: Mr B Hendley, consultant

JUDGMENT

The Respondent made unauthorised deductions from the Claimant's wages and the Respondent is ordered to pay to the Claimant the sum of £752.05 net (i.e. with no further deductions)

REASONS

- 1 The Claimant claimed unlawful deductions from wages. The basis of his claim is that he was entitled to be paid to the end of February 2018 because he had offered to work it.
- 2 The Respondent produced a copy of a wage slip dated 1 March 2018 showing the net sum of £752.05 payable. The Respondent admitted this sum remained unpaid but denied that any other sums were payable.
- 3 The Claimant also claimed compensation in the sum of £1,235 because he had to use his own savings to sort out the claim, and the sum of £500 for private medical care. The Tribunal has no jurisdiction to consider claims for mere inconvenience consequent upon an unlawful deduction from wages or claims for compensation for personal injury. Accordingly, the Tribunal gave no consideration to them.
- 4 The Claimant confirmed that he was not seeking further accrued holiday pay.

- 5 On 5 February 2018 the Claimant handed a letter to the Respondent in which he said:

Please accept this letter as my resignation from the Clocktower Gym with effect from 5th February 2018. As you are aware, I do not have a contract, I am however, willing to work until the end of February and I will take any holiday due to me or I am happy to be paid for days owing in lieu of holiday

- 6 The Respondent informed the Claimant on the same day that they did not require the Claimant to work until the end of February as he had offered to do.
- 7 The Claimant had no legal entitlement to a notice payment in circumstances in which he unambiguously resigned on 5 February 2018 with effect from 5 February 2018.
- 8 The Claimant conceded that £752.05 was referable to work done up to 5 February 2018. Judgment for this amount is accordingly entered.

Employment Judge Pritchard

Date 21 December 2018