



EMPLOYMENT TRIBUNALS

Claimant: Mr Lewis Hindmarsh
Respondent: MBK Foods Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent made an unlawful deduction from the wages of the claimant. The respondent is ordered to pay to the claimant £506.80p in respect of unpaid wages from August until September 2017. This is a gross amount and the claimant is ordered to pay to the appropriate authorities any income tax and employee national insurance contributions due in respect of such sum on receipt by him.
2. The claim for unpaid holiday pay pursuant to Regulations 14 and 16 of the Working Time Regulations 1998 is well-founded. The respondent is ordered to pay to the claimant £61.60p in respect of unpaid holiday pay. This is a gross amount and the claimant is ordered to pay to the appropriate authorities any income tax and employee national insurance contributions due in respect of such sum on receipt by him.
3. The total sum payable by the respondent to the claimant is £568.40p and is payable forthwith.
4. Any claim before the Tribunal for a reference pursuant to section 11 of the Employment Rights Act 1996 in respect of the terms and conditions of the employment of the claimant is not well-founded and is dismissed. It is not appropriate to exercise any powers pursuant to section 38 of the Employment Act 2002 as the claimant had worked for the respondent for less than two months.
5. The hearing set for 12 February 2018 is cancelled.

REASONS

1. The claimant filed a claim with the Tribunal on 14 December 2017 which was served on the respondent on 15 December 2017.
2. The respondent has failed to file a response to the claim.

3. The claimant has provided written information to the Tribunal which satisfies me that the above mentioned sums are due to him in respect of the claims advanced to the Tribunal.

4. This claim was formally combined with claim number 2501671.2017 by Order of the Tribunal dated 15 December 2017. Notwithstanding that Order, I consider it appropriate to issue separate Judgments pursuant to Rule 21 in this and the case with which it is combined.

Employment Judge A M Buchanan
Date: 16 January 2018