



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C Sellick

**Respondent:** Coffee Couture (London) Limited

**Heard at:** Exeter **On:** 29 February 2019

**Before:** Employment Judge Maxwell

## **Representation**

Claimant: in person

Respondent: no attendance

# JUDGMENT

1. The claimant's claim of unlawful deductions is well-founded and he is entitled to £1,394.37.
2. The claimant's breach of contract claim is well-founded and he is entitled to £321.78

# REASONS

3. By a claim form presented on 27 November 2018, the claimant claimed unpaid wages (unlawful deductions and / or breach of contract). The claim was served on the address provided by the claimant and then re-served on the respondent's registered address. No response was provided by the respondent.

## **Facts**

4. The claimant was employed by the respondent as a barista from 10 March 2018.
5. On 28 September 2018, the claimant was summarily dismissed.
6. The last payment of wages the claimant received was on 31 August 2018.

7. The claimant received no wages for the month of September 2018.
8. The claimant's bank statements [shown to the Tribunal on the claimant's phone] indicated he had received payments from the respondent in the 3 months to 31 August 2018 as follows:
  - 8.1. 31 August 2018 - £1,445.31;
  - 8.2. 31 July 2018 - £1,868.99;
  - 8.3. 29 June 2018 - £868.80.
9. For the 3-month period to 31 August 2018, in total the claimant received £4,183.10, which equates to:
  - 9.1. an average monthly figure of £1,394.37;
  - 9.2. an average weekly figure of £321.78.

### **Conclusion**

10. In the period 31 August to 28 September 2018, the claimant received less than was properly payable, in that he was paid nothing and was due to receive pay, likely in the sum £1,394.37; the claimant suffered an unlawful deduction to that extent, pursuant to section 13 of the **Employment Rights Act 1996**.
11. The claimant was entitled to one week's notice of dismissal. In breach of contract, the claimant was summarily dismissed. He is entitled to damages of one week's pay, in the sum of £321.78.

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Employment Judge Maxwell

Date: 1 March 2019