



EMPLOYMENT TRIBUNALS

Claimant: Mr J Whitcher

Respondent: Kitty Care Leeds Limited

Heard at: Leeds

On: 28 June 2018

Before: Employment Judge D N Jones

REPRESENTATION:

Claimant: In person

Respondent: Mrs K Charles-Richards, Company Director

JUDGMENT

1. The claimant resigned his employment and was not dismissed by the respondent. The claim of unfair dismissal is dismissed.

2. The respondent made a payment to the claimant of £1,000 in November 2017 pursuant to an agreement between the parties that such a sum would be an advance upon his salary for the forthcoming year. It was an implied term of that agreement that, in the event of the claimant not remaining in employment for the full year, the sum of £1,000 would become repayable upon termination of the employment. Upon the claimant's resignation, the respondent was entitled to the immediate repayment of the sum of £1,000. The deduction of £461.52 from the claimant's wages in January 2018 was in part satisfaction of that repayment. It was not an unauthorised deduction from the claimant's wages because he had given written consent to deductions of any sums legally due to the respondent, an agreement which was in compliance with section 13(1)(b) of the Employment Rights Act 1996. The claim for breach of contract is dismissed.

3. The claimant acted unreasonably in his conduct of these proceedings in failing to comply with Tribunal orders relating to the disclosure of documents and

evidence. Having regard to the impact of such unreasonable conduct on the proceedings, the associated costs incurred and the claimant's ability to pay, it is appropriate for a costs order to be made in favour of the respondent for a proportion of its legal costs. The claimant is ordered to pay the respondent the sum of £350.

Employment Judge D N Jones

Date 4 July 2018

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

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