



# EMPLOYMENT TRIBUNALS

**Claimant:** KW

**Respondent:** DW

**HELD AT:** Liverpool

**ON:** 1<sup>st</sup> March 2019

**BEFORE:** Employment Judge T. Vincent Ryan

## REPRESENTATION:

**Claimant:** Litigant in person

**Respondent:** Ms. L. Halsall, Consultant

# JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claim that the respondent failed to pay to her holiday pay due on termination of her employment is dismissed upon the claimant's withdrawal.
2. Unfair dismissal:
  - 2.1 The respondent dismissed the claimant unfairly for a reason related to conduct;
  - 2.2 It would be just and equitable to reduce the claimant's Basic Award in accordance with the provisions of s.122 (2) Employment Rights Act 1996 ("the Act") to nil;
  - 2.3 The claimant was at such risk of being fairly dismissed that any Compensatory Award ought to be reduced to two week's net pay to reflect that risk and the time that it would have taken for a fair dismissal to have been effected;
  - 2.4 It would not be just and equitable to further reduce the claimant's Compensatory Award in accordance with the provisions of s.123(6) of

the Act relying on the same reasons as for the reduction in the judgment at 2.3 above.

2.5 The parties settled the claimant's claim for remedy in the sum of £500 payable by the respondent to the claimant within 28 days of today's judgment; the tribunal did not hear evidence on remedy and did not make an award; the recoupment provisions do not apply.

3 The claimant's following claims fail and are dismissed;

3.1 that the respondent made unauthorised deductions from her wages;

3.2 that the respondent infringed her right to receive itemised pay statements.

Employment Judge T.V. Ryan

Date: 04.03.19

JUDGMENT SENT TO THE PARTIES ON

18 March 2019

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 (and the respondent withdrew its request so none is outstanding) or a written request is presented by either party within 14 days of the sending of this written record of the decision.