



# EMPLOYMENT TRIBUNALS

**Claimant:** Samuel Malkin

**Respondent:** Structural Steel Craft

**Heard at:** Southampton                      **On: Friday, 15<sup>th</sup> March 2019**  
Employment Tribunal

**Before:** Employment Judge Mr. M. Salter

**Representation:**

Claimant: No attendance and not represented

Respondent: Mr. M. Inglis, Legal Advocate.

## JUDGMENT

The Claimant was subjected to an unlawful deduction from wages but the money has been repaid.

The Claimant's claim for breach of contract is not well founded and is dismissed.

## REASONS

Introduction

1. These are my reasons for the judgment set out above. I have arrived at these after reading the witness statement of the Respondent's managing director, Nick Kazakos, and bundle prepared by the Respondent.
2. The Claimant had not provided the Respondent with any witness statement in advance of the hearing.
3. Mr. Malkin was not in attendance at 10am.
4. When it became apparent that Mr. Malkin, had not attended the hearing on time I caused the tribunal staff to try and call him. Unfortunately, there was, I am told, no phone number on the file.

The Claims

*Unlawful Deduction from Wages*

5. The Respondent accepted it deducted from the claimant the sum of £200 in respect of damage he caused to its property.
6. Upon taking legal advice, but after the presentation of a claim, the money was repaid.
7. Having read this and addressed the Respondent on this point I was satisfied that there was an unlawful deduction of wages.
8. I therefore made a declaration to that effect.

*Breach of Contract*

9. I am not satisfied that the Claimant's claim for breach of contract, in relation to his notice pay, is made out. I have read the witness statement of Mr. Kazakos and am satisfied the Claimant received the pay he was entitled to.
10. I therefore dismiss the claim as not well founded.

Employment Judge M Salter

Dated: 15 March 2019