



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Mr A Limbachiya**

**v**

**JMAC Solutions (Recruitment)  
Limited**

**Heard at:** Watford

**On:** 8 April 2019

**Before:** Regional Employment Judge Byrne

## **Appearances**

**For the Claimant:** In person

**For the Respondent:** No attendance, response not presented

## **JUDGMENT**

1. The respondent is ordered to pay to the claimant outstanding wages in the sum of £7,006.54. If the respondent provides to the claimant documentary proof that any tax or national insurance due on that sum has been paid to the appropriate authorities then the sum due to the claimant will be reduced by those amounts.
2. The respondent is ordered to pay to the claimant damages for breach of contract namely notice pay in the sum of £612.27.
3. There is no holiday pay owing to the claimant at the date of his dismissal and I make no award for holiday pay.

## **REASONS**

1. I heard evidence today from the claimant. I find as a fact that his employment with the respondent began on the 2 October 2017 and ended on the 6 February 2018 when the claimant received from Mr John McDermott an email dated the 6 February 2018 timed at 13:52GMT accompanied by a letter dated 21 January 2018 addressed to the claimant confirming his dismissal.
2. The claimant explained to me that the letter of 21 January 2018 was not at his home on his return from holiday immediately prior to returning to work on Monday 5 February 2018 and I accept his evidence that he was unaware of

his dismissal until Tuesday 6 February 2018 when he received the email from Mr McDermott. The dismissal was immediate without notice. Accordingly, he is entitled to a minimum one weeks' notice applying the provisions of Section 86 of the Employment Rights Act 1996, one week's net pay in the sum of £612.27.

3. In the claimant's evidence, which I accepted, was that his salary was £35,000 per annum and that he received gross £2,916.00 per month, net £2,245.00 per month. His evidence, which I accepted, was that he was last paid in his salary on the 21 November 2017 which payment included salary due to the end of November 2017 and that the sum of £220.00 was deducted from that salaried payment without his permission. In his evidence, again which I accepted, was that he received no further salaried payments from the respondent.
4. Accordingly, as at the date of his dismissal, 6 February 2018, he was due two months wages in the gross sum of £2,916.00 per month plus a further six days pay calculated at the gross daily rate of £159.09 (£35,000 divided by 220). Adding those sums together and including the deduction of £220 from his November salary results in him being entitled to outstanding wages in the sum of £7,006.54. That is a gross sum. It is provided for in the judgment if the respondent produces documentary evidence to confirm that tax and national insurance at the appropriate rates have been deducted from that amount that documentary evidence will satisfy the judgment to the extent of the payments made for tax and national insurance. In the absence of any documentary evidence to show the appropriate tax and national insurance has been deducted the claimant is entitled to the total sum of £7,006.54.
5. The claimant took holiday in January 2018. His holiday entitlement as at the date of dismissal was a total of 9 days and 3 bank holidays for the Christmas and New Year period 2017/18. He had taken holiday in excess of that period and there is no holiday pay due to him.

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Regional Employment Judge Byrne

Date: 7 May 2019.....

Sent to the parties on: .....

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For the Tribunal Office