



EMPLOYMENT TRIBUNALS

Claimant:
Mr Paul Simmonite

Respondent:
**Marchwood
Engineering Ltd**

Heard at: **Sheffield**

On: 26 July 2019

Before: **Employment Judge R S Drake**

Representation:

Claimant: In person
Respondent: Mr D Brown (of Counsel)

JUDGMENT

1. The Claimant is awarded Judgment and the Respondents shall pay to him the sum of £1,338.07

REASONS

2. The Claimant lodged his claim form (ET1) on 9 April 2019 but by expiry of the deadline for filing a response, the Respondent had not responded nor made a fully formal application for an extension of time to enable late filing of a Response (ET3).
3. In short, the Claimant claimed unpaid wages in lieu of notice following termination of his employment with effect from 30 January 2019 and lawful deduction from his pay in relation to holiday pay, expenses, overtime, SSP and other miscellaneous items contrary to Section 13 Employment Rights Act 1996 (“ERA”). He also claimed compensation for “loss of earnings” and “inconvenience” as he put them as discrete heads of claim.
4. The Respondent had to accept (via Counsel) that it could take no part in contesting liability, but sought purely and only to raise questions and make submissions which I allowed to a limited extent to enable me to clarify the issues pleaded, the heads of claim sought and the evidence/proof offered in support of them.

5. The Claimant's heads of claim in respect of loss of earnings (other than in respect of pay in lieu of notice) and inconvenience are outside the scope of this Tribunal's jurisdiction and are thus dismissed.
6. The Claimant's evidence supports his claim in respect of all other heads but are subject to the taking into account of tax where such sums are taxable. These sums had been unlawfully deducted from the Claimant's pay without prior written signed agreement and are scheduled as follows :-

	£
6.1 One day Holiday Pay – January BH 2019 (net)	74.99
6.2 Expenses accrued August/November 2018	298.43
6.3 Five hours Overtime (net)	70.30
6.4 Three weeks' SSP	276.15
6.5 One week's pay in lieu of notice (net)	374.99
6.6 Expenses December 2018	243.21
Total (net without further deduction of tax)	1,338.07

Employment Judge R S Drake

Date 27 July 2019

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.

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