



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4106973/2019**

**Mrs U Fullerton**

**Claimant  
In person**

**Aberdeen Business Ltd**

**Respondent  
Not present or  
represented – no ET3**

## **JUDGMENT**

### **Rule 21 of the Employment Tribunal Rules of Procedure 2013**

The judgment of the Employment Tribunal is that the claimant's claim of unlawful deduction of wages is well-founded. The respondent Aberdeen Business Ltd shall pay to the claimant the sum of Two Thousand Five Hundred and Six Pounds Forty Pence (£2506.40) in respect of unpaid wages.

## REASONS

1. The claimant submitted a claim to the Tribunal in which she claimed that she had suffered an unlawful deduction of wages from 11 January 2019 to 5 April 2019. It was her position that on or about 7 April her employment had transferred to Aberdeen Business Ltd. The claimant initially raised her claim against the current respondent and two other companies. Following a closed preliminary hearing on 28 August the claimant withdrew her claims against the other two respondents. None of the respondents have lodged a response.
2. Having considered the matter in terms of Rule 21 on the basis of the available material I consider that a determination can properly be made of the claim. I am satisfied that although the unpaid wages relate to a period prior to the transfer of the claimant's employment to Aberdeen Business Ltd, that company is liable for this sum given the terms of regulation 4 of the Transfer of Undertakings (Protection of Employment) Regulations. It may well be the case that they have the right to recover this sum from the claimant's previous employer but that is a matter for them. I have accepted the claimant's calculation of the sum due as set out in section 8.2 of the ET1 and make an order in the sum of £2506.40.

**Employment Judge:**  
**Date of Judgment:**  
**Date sent to parties:**

**Ian McFatridge**  
**28 August 2019**  
**29 August 2019**