



EMPLOYMENT TRIBUNALS

Claimant: Mr H Rahimi Lenji

Respondent: Capital Hire Ltd

Heard at: London Central

On: 17 & 18 October 2019

Before: Employment Judge A Isaacson

Representation

Claimant: In person

Respondent: Ms A Begum, Fleet administrator

JUDGMENT

The Judgment of the Tribunal is:

1. The claimant's holiday pay claim succeeds. The respondent is ordered to pay to the claimant 10.5 days holiday pay which amounts to the gross sum of £918.75 (10.5 x daily rate £87.50). The claimant had taken 4 bank holidays and an extra 6 days annual leave making a total of 10 days. The claimant had worked 38 weeks of the year so his accrued annual leave entitlement was $38/52 \times 28 = 20.50$ days leave.
2. The claimant was wrongfully dismissed and the claimant's claim for notice pay succeeds. The respondent is ordered to pay to the claimant one week's notice pay which is the gross sum of £437.50.
3. The claimant's claim for an unauthorised deduction from wages succeeds in relation to the unauthorised deduction of £1000 for excess following an accident and in relation to unpaid overtime. The respondent is ordered to pay to the claimant the sum of £1000 for monies wrongly deducted in relation to an accident. The respondent is also ordered to pay to the claimant the gross sum of £378.44 for unpaid overtime worked (43.25 hrs x £8.75 per hour).
4. The claimant's unauthorised deduction from wages claim relating to double pay and an hourly rate of £10 per hour fails. The Tribunal finds that the

claimant's hourly rate was £8.75 and no double pay was agreed.

5. The respondent failed to provide the claimant with a written statement of employment particulars. The Tribunal awards the claimant 3 weeks' pay as compensation for the failure. The respondent is ordered to pay to the claimant the sum of £1312.50 (3 x 437.50).
6. The total amount the respondent is ordered to pay to the claimant is £4047.19.

Employment Judge **Mrs A B Isaacson**

Date 18th Oct 2019

JUDGMENT SENT TO THE PARTIES ON

22/10/2019

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FOR THE TRIBUNAL OFFICE

Notes

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.