



EMPLOYMENT TRIBUNALS

Claimant: Mr J Tofolo

Respondent: Lionheart Security Services Ltd

Heard at: Birmingham

On: 13 November 2019

Before: Employment Judge Miller (Sitting alone)

Representation

Claimant: No attendance

Respondent: No attendance

JUDGMENT

The judgment of the Employment Tribunal is as follows:

1. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the gross sum of £160.

REASONS

1. The claimant made a claim on 30 May 2019, following a period of early conciliation from 7 May 2019 to 29 May 2019, to the effect that he was employed by the respondent as a door supervisor. He said that he had worked for the respondent on 22 and 23 February 2019 money should have been paid a month later. He says that he did not receive any payment and the respondent owes him £160.
2. The claim form was served on the respondent by way of a letter dated 25 July 2019 and it was specified in the letter that if the respondent wished to defend the claim response must be received by 22 August 2019. No such response was received, and Employment Judge Self decided on 11 November 2019 pursuant to rule 21 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 that judgment may now be issued.

3. The claim had already been listed for hearing at 10 AM today so the case was left in the list.
4. In the event, neither party attended. I waited until 10:15 AM but neither party arrived. The clerk attempted to contact the claimant by telephone but was unable to do so. Therefore, I decided to go ahead and consider the claim in accordance with rule 47. I considered the documents on file which comprised the claimant's claim form and one email from the claimant dated 3 July 2019 asking for an update as he had received no response.
5. In my judgment, and pursuant to rule 21, a determination can properly be made of the claim on the available material. The claimant has provided sufficient information about the dates that he worked, the date when money was due for that work and the amount that he says he has not been paid. In the absence, therefore, of a response from the respondent I find that the claimant had a deduction of £160 from his wages due to be paid in March 2019.
6. Pursuant to section 13 of the Employment Rights Act 1996, a worker has the right not to suffer unauthorised deductions from his wages.
7. These reasons, therefore, claimant's claim of unauthorised deduction from wages in the amount of £160 succeeds.

Employment Judge **Miller**

13 November 2019