



# THE EMPLOYMENT TRIBUNAL

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**SITTING AT:** SOUTHAMPTON  
**BEFORE:** EMPLOYMENT JUDGE EMERTON (sitting alone)  
**BETWEEN:**

- (1) Mr K Boczanowski
- (2) Mr T Perpeliev

Claimants

AND

Poisedale Limited (in liquidation)

Respondent

**ON:** 29 November 2019

**APPEARANCES:**

For the Claimants: Both in person  
For the Respondent: Not represented at hearing (*written representations from the Liquidators*)

## **JUDGMENT**

*Note: it appeared to the judge that tribunal records were ambiguous as to whether two of the claims listed above were duplicates, and still being pursued. For the avoidance of doubt, each claimant effectively has one claim against the respondent, which needed to be determined. If two of the listed claims are no longer before the tribunal, this makes no difference to the contents of the judgment, below.*

**Liability**

1. Both claimants' claims of unauthorised deduction of wages are well founded.

**Case Numbers: 1401720/2019, 1401721/2019, 1401726/2019, 1401727/2019**

2. The tribunal finds that both claimants were contractually entitled to wages during the period when the respondent purported to lay them off without wages.
3. The first claimant's claim of failure to pay holiday pay outstanding at termination is well founded.
4. Both claimants' claims of breach of contract (failure to pay notice pay) are well founded.

Remedy - first claimant Mr K Boczanowski

5. The respondent is ordered to pay the first claimant **compensation of £1,680.00** for unauthorised deduction of wages.
6. The respondent is ordered to pay the first claimant **compensation of £310.15** for failure to pay outstanding holiday pay.
7. The sums in paragraphs 5 and 6 are ordered gross. They may be liable for lawful deductions for tax and national insurance.
8. The first claimant has already received a payment from the Insolvency Service representing unpaid notice pay. The tribunal therefore makes no further order as to compensation.

Remedy – second claimant Mr T Perpeliev

9. The respondent is ordered to pay the second claimant **compensation of £2,500.00** for unauthorised deduction of wages.
10. This sum is ordered gross. It may be liable for lawful deductions for tax and national insurance.
11. The respondent is ordered to pay the second claimant **compensation of £1,120.00** for breach of contract (notice pay).
12. This sum would normally be calculated as a net sum. It would appear that the claimant had overpaid tax and national insurance, and consequently a net sum could not be calculated at the hearing. The sum is based on the gross contractual notice pay.

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Employment Judge Emerton

Date: 29 November 2019

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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.