



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**  
Mr K Smith

**Respondent**  
Mr Mark Kyle Langham Lodge

AND

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**HELD AT** Birmingham                      **ON**                      6 January 2020

**EMPLOYMENT JUDGE** Harding

### Representation

**For the Claimant:** In Person

**For the Respondent:** No attendance

## JUDGMENT

1        The claimant's claim of an unlawful deduction from wages in respect of unpaid wages between 25 March – 3 May 2019 is well founded. The respondent is ordered to pay to the claimant unpaid wages in the sum of £1,440.40 (gross figure). (Calculation 160 hours @ £9.00 an hour).

2        The claimant's claim of an unlawful deduction from wages in respect of unpaid sick pay between 17 – 29 April 2019 is well founded. The respondent is ordered to pay to the claimant unpaid wages in the sum of £113.10 (gross figure). (Calculation; 17 – 29 April 9 = working days. Statutory sick pay £94.25 a week. Three qualifying days to be deducted = 6 days. £94.25 + £18.85 = £113.10.)

Note: written reasons will not be provided unless requested at the Hearing itself or in writing within 14 days of the sending of the written record of the decision, Rule 62(3).

3 The claimant's breach of contract claim (non-payment of expenses between April – October 2018) succeeds. The respondent shall pay to the claimant damages in the sum of £1040 (calculation 26 weeks @ £40 a week).

4 The claimant's claims for unpaid wages in July, September and November 2018 are out of time. Accordingly, the tribunal has no jurisdiction to hear these claims and they are dismissed.

5 The claimant's claim for unpaid wages (non-payment of paternity pay) fails and is dismissed.

6 The claimant's claim for unpaid holiday pay on 3 October 2018, 26 and 31 December 2018 and 1- 3 January 2019 are out of time. Accordingly, the tribunal has no jurisdiction to hear these claims and they are dismissed.

---

Employment Judge Harding  
Dated: 6 January 2020