



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE MARTIN

BETWEEN: Mr Paul Mojekwu Claimant

AND

MJB Security Solutions Ltd Respondent

ON: 13 December 2019

APPEARANCES:

For the Claimant: Ms Bell - Counsel

For the Respondent: No attendance

RESERVED JUDGMENT

The unanimous judgment of the Tribunal is that: The Claimant's claims are successful, and the Respondent shall pay the Claimant £ 7,859.12.

RESERVED REASONS

1. By a claim form presented to the Tribunal on 31 May 2019 the Claimant claimed that the Respondent had made unauthorised deductions from wage/breached his contract, had failed to deal with his grievance and failed to provide written statement of terms of employment. The Respondent did not put in a response.
2. I heard from the Claimant. The Claimant had not brought proof of his losses

and I allowed the Claimant until 4 pm on 16 December to send his documentary evidence to the Tribunal. Having considered the Claim form, what the Claimant told me at the hearing and the documents I made the following findings.

3. The Claimant was employed as a security guard by the Respondent from 10 January 2018. No written particulars of employment have been given to him.
4. The Respondent failed to pay the Claimant in full leaving a substantial shortfall in wages paid. This had a knock on effect for the Claimant as he was applying for leave to remain in the UK and as part of the immigration process had to show he had some £18,000 in his bank account at the time of the application. Due to shortfall in wages he did not have this amount. This required him to apply for another type of visa and the costs of that application are set out below. I find that had the Respondent paid the Claimant in full for the work he did for it, then the Claimant would not have had to spend the extra sums in applying for a different type of visa, This is absolutely connected to the failure of the Respondent to pay the Claimant in full. I therefore award the amount of the consequential losses in addition to the amounts not paid.
5. I find that as no statement of employment particulars was given, that the Respondent shall pay to the Claimant 4 weeks wages.
6. The Respondent failed to respond to the Claimant's grievance which was about the non-payment of wages. There was a total and wholesale failure and accordingly I award an up lift of 25% on the award made. The schedule of the award is:

A. LOSSES CLAIMED

Wages claimed: £1,187.45

Consequential losses – visa: £4018.20 (IHS surcharge £1000 and visa £3018.20)

TOTAL: £5205.65

B. INTEREST (claimed at 8% per annum)

Wages

$1187 \times 0.08 = £94.99$

Daily rate: 26p

There are 297 days between the date on which the current amount by way of wages became outstanding on 22 February 2019 (i.e. the day on which the claimant received partial payment of his outstanding wages) and 16 December 2019

$$0.26 \times 297 = \text{£}77.22$$

Visa

Visa fee £3018.20

$$3018.20 \times 0.08 = \text{£}241.46$$

Daily rate: 66p

There are 310 days between the date on which the amount of the visa fee was paid by a family member as a loan to Mr Mojekwu (namely, 10 February 2019)¹ and which became owing to that family by Mr Mojekwu on the same day and 16 December 2019.

0.66 x 310 = £205.07

IHS surcharge

$$1000 \times 0.08 = \text{£}80$$

Daily rate: 22p

There are 285 days between the date on which Mr Mojekwu paid the NHS surcharge (namely, 7 March 2019) and 16 December 2019.

$$0.22 \times 285 = \text{£}62.70$$

INTEREST TOTAL: £344.99

TOTAL (LOSSES PLUS INTEREST): £5550.64

C. ACAS UPLIFT

$$5550.64 \times 0.25 = \text{£}1387.66$$

TOTAL: £6938.30

D. FAILURE TO PROVIDE WRITTEN PARTICULARS OF EMPLOYMENT

C's wages per week: £230.20

4 weeks:

TOTAL: £920.82

E. OVERALL TOTAL

£6938.30 + £920.82 = £7859.12

Employment Judge Martin
Date: 17 December 2019