



EMPLOYMENT TRIBUNALS

Claimant: Mr J Cole
Respondent: Den Automation Limited
Heard at: East London Hearing Centre
On: 10 February 2020
Before: Employment Judge Russell

Representation
Claimant: In person
Respondent: No Response presented, did not attend

JUDGMENT

1. The Respondent made unauthorised deductions from the Claimant's wages in June 2019 (£1,974.49) and July 2019 (£3,228.80).
2. The Respondent must pay to the Claimant the total sum of £5,203.29.

REASONS

1. The Claimant started employment with the Respondent on 5 June 2017. His last working day was 31 July 2019. On that occasion, he attended work to find the building locked and that he could not gain access.
2. The Claimant was contractually entitled to monthly net pay of £3,228.80.
3. The Claimant worked his contracted hours in June 2019 but was paid only £1,254.31. The Claimant worked his contracted hours in July 2019 but was not paid at all. HMRC records show tax and National Insurance payments by the Respondent for the Claimant's pay in June and July 2019.
4. The Claimant has not worked for the Respondent since 31 July 2019. He was not provided with a letter of dismissal nor told that he was being made redundant. It appears again from HMRC records that Respondent maintains that it has dismissed the Claimant by reason of redundancy. The Claimant has not received any notice pay or redundancy payment. These are not part of the

pleaded case before me but may be the subject of a further claim (subject to the statutory time limits).

5. The Respondent is now in Creditors Voluntary Liquidation with Companies House records showing that the winding up process commenced on 9 December 2019.

6. On 27 January 2020, the Redundancy Payments Service notified the Claimant that it could not accept his application for payment of notice and/or holiday and/or redundancy pay as it has been unable to verify his employment details with the liquidator.

7. The Claimant understands that he should provide a copy of this Judgment and Reasons to the liquidators and ask that they confirm to the Redundancy Payment Service the details of his employment.

Employment Judge Russell

10 February 2020