



THE EMPLOYMENT TRIBUNALS

Claimant

Ms Adele Malik

Respondent

Lyndon-Dykes Ltd t/a Lyndon Hospitality

MADE AT NORTH SHIELDS
EMPLOYMENT JUDGE GARNON

ON 27 January 2020

JUDGMENT (Liability and Remedy) Employment Tribunals Rules of Procedure 2013 –Rule 21

- 1 The claim of unlawful deduction of wages is well founded. I order the respondent to repay to the claimant £1833.33 gross of Tax and National Insurance (NI)
2. The claim for compensation for untaken annual leave is well founded. I order the respondent to pay to the claimant compensation of £ 415.89 gross of tax and NI.
3. The claim of unfair dismissal is dismissed on withdrawal by the claimant
- 4.The Hearing listed for 27 February 2020 is vacated

REASONS

1. The claim was accepted on 29 October 2019 and served on 7 November 2019 on a business address of the respondent .A response was due by 5 December but none was received. An Employment Judge is required by rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made and, if so, obliged to issue a judgment which may determine liability only or liability and remedy. Employment Judge Sweeney directed the claim be re-sent to the registered office of the respondent which it was on 18 December. Employment Judge Johnson asked the claimant if she withdrew her unfair dismissal claim because she did not have 2 years continuous employment. She did so and later provided some figures for pay as directed by Employment Judge Sweeney.
2. I have in the claim form and the claimant's replies sufficient to enable me to find the claims proved on a balance of probability and to determine the sums to be awarded.
3. Her pay was £22,000 per annum gross. She was told she would be dismissed as redundant on 15 August with effect from the end of that month but she has not paid for the month of August at all. The law relating to unlawful deduction of wages is in Part 2 of the Employment Rights Act 1996 (the Act).

4. The law relating to compensation for untaken annual leave is in the Working Time Regulations 1998 (WTR). Regulation 14 says where a worker's employment terminates during the course of a leave year, and, on the date on which the termination takes effect, the proportion she has taken of the leave to which she is entitled in the leave year differs from the proportion of the leave year which has expired, her employer shall make a payment in lieu of untaken leave. She was owed 6.9 days pay at termination

TM Garnon Employment Judge
Date signed 27 January 2020