



EMPLOYMENT TRIBUNALS

Claimants: Mr Clifford Milligan

Respondent: Derwent Fluid Power Limited

Heard at: Carlisle (in public) **On:** 9 March 2020

Before: Employment Judge Hoey

Representatives

For the claimants: Mr Tinnion (counsel)

For the respondent: Not present nor represented

JUDGMENT

It is declared that the respondent made an unlawful deduction from the claimant's wages as follows:

- a) £3738.29 gross in respect of the period 19 December 2018 to 18 January 2019 (comprising unpaid basic salary of £2814.40 (160 hours x £17.59 an hour) plus £40 call out payment and overtime pay of £883.89 (33.5 hours x £17.59 x 1.5));
- b) £3650.34 gross in respect of the period 19 January 2019 to 18 February 2019 (comprising unpaid basic salary of £2814.40) plus £40 call out payment and overtime pay of £795.94 (calculated as the combination of 17.5 hours x £17.59 x 1.5 = £461.73 and 9.5 hours x £17.59 x 2 = £334.21);
- c) £713.60 gross in respect of the period 19 February 2019 to 26 February 2019 (comprising unpaid basic salary of £703.40 (40 x £17.59) and £10 call out payment); and
- d) £562.88 gross holiday pay (£17.59 x 4).

The respondent is ordered to pay the claimant the gross sum of £8,665.11

Employment Judge Hoey

DATE: 9 March 2020

JUDGMENT SENT TO THE PARTIES ON

12 March 2020

Notes

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2405511/2019**

Name of case: **Mr C Milligan** v **Derwent Fluid Power Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **12 March 2020**

"the calculation day" is: **13 March 2020**

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office