



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr Y Omri

v

Shoguns Animation Ltd

PRELIMINARY HEARING

Heard at: Watford

On: 11 March 2020

Before: Employment Judge Alliott

Appearances

For the Claimant: In person

For the Respondent: Did not attend

JUDGMENT

1. The claimant's claim for unauthorised deduction of wages and/or breach of contract for failure to pay the National Minimum Wage is well founded and the respondent is ordered to pay him the gross sum of £4,055.94.

REASONS

1. The respondent's absence

- 1.1 The respondent company was dissolved on 3 September 2019. No response has been filed. This preliminary hearing was listed to deal with remedy only and notice was sent to the respondent's last known address. Taking into account why the respondent was not here, I decided to proceed with the hearing.

2. The presentation of the claim

- 2.1 The claimant told me that the last date on which he worked was 12 October 2018. That would also be the last date of the deductions complained of. The claimant, taking into account the period of early conciliation from 28 November to 28 December 2018, had until 10

February 2019 to present his claim. His claim was presented on 27 March 2019, some 1 month and 17 days late.

2.2 The claimant told me that he did not realise he could bring a claim until he heard about another co-worker's claim. In my judgment it was not reasonably practicable for the claimant to bring the claim within the primary limitation period and the claim has been brought within such further period as I consider to be reasonable.

3. The claim

3.1 The claimant worked from 14 May to 12 October 2018 for the respondent. Until 20 September he worked 4 days per week, 7 hours per day. From 24 September he worked for 3 weeks 5 days a week, 7 hours per day. Taking into account holidays taken in June and September the claimant worked a total of 74 days.

3.2 By virtue of s.28 National Minimum Wages Act it is presumed that the claimant qualified for NMW and that he was paid less than the NMW. In fact he was not paid at all. The contrary has not been established. Accordingly, I find that the complaint of unauthorised deduction of wages (NMW) and/or breach of contract is made out.

3.3 74 days @ 7 hours per day = 518 hours.

518 hours @ £7.83 = £4,055.94.

Accordingly, there will be a judgment for £4,055.94.

Employment Judge Alliott

Date: ...11 March 2020.

Sent to the parties on: ...06 April 2020...

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For the Tribunal Office