

# EMPLOYMENT TRIBUNALS

**Claimant:** Ms T Ellison

**First Respondent:** Paul Ross

**Second Respondent:** Ox Limited

## PRELIMINARY HEARING (By telephone)

**AT: LONDON SOUTH ON: 14 APRIL 2020**

**Appearances:**

**Claimant:** in person

**First Respondent:** no appearance and no representation

**Second Respondent:** no appearance and no representation

## RULE 21 JUDGMENT

No Response having been received from the First Respondent, it is the decision of the tribunal that:

1. The First Respondent made unlawful deductions from the wages of the Claimant contrary to section 13 of the Employment Rights Act 1996 and she is awarded the sum of £816.50 net of tax to be paid by him.
2. The First Respondent shall pay the Claimant an additional sum of £264 by way of loan interest in accordance with section 24(2) of the Employment Rights Act 1996.
3. The Claimant is entitled to payment by the First Respondent for 10.4 days accrued but untaken holiday amounting to £783.84 net in accordance with regulation 14 of the Working Time Regulations 1998.
4. The total sum awarded to the Claimant is £1864.34 net to be paid by the First Respondent
5. All claims against the Second Respondent are dismissed.

## REASONS

1. Judge Mason conducted a case management hearing in relation to this claim

- on 30 January 2020 at Ashford employment tribunal. At that stage Mr Paul Ross was named as the only respondent but no Response had been received from him. The judge listed a full merits hearing for today. That hearing was converted to a telephone case management hearing due to the current coronavirus restrictions. Neither of the respondents attended the telephone hearing today but the claimant did attend.
2. At the hearing on 30 January 2020 Judge Mason ordered that the second respondent, Ox Limited, be added as a respondent to these claims as that was the company named on the claimant's contract of employment. She ordered that the claim be served on that company and that the claim be re-served on the first respondent, Paul Ross, as he had indicated that he had not received the claim and that he had changed address. The claim was subsequently served upon him at this new address.
  3. No Response has been received from Mr Ross.
  4. The tribunal has received two emails (dated 26 February and 9 April 2020) from a Mr Donovan at Ox Limited. He is named as a director of that company at Companies House. He says that Ox Limited is a dormant company with no employees which had never employed the claimant. He had never heard of Mr Paul Ross and that he was concerned that the company's name was being used fraudulently.
  5. Judge Mason had already noted that Mr Ross was not named as a director of Ox Limited at companies house and that the registered office was a different address to that given on the contract of employment. When I spoke to the claimant at the hearing today she agreed that it was likely that Ox Limited were nothing to do with her claim and that Mr Ross had been using a company name that happened to coincide with the name of that company. She agreed that any judgment should name Mr Ross only.
  6. The claimant confirmed that she was owed wages amounting to £816.50 net. She agreed that as at the date of termination of her employment she had accrued 10.4 days holiday and that she was therefore owed 10.4 days' pay which was calculated as amounting to £783.84 net.
  7. The claimant told me that when she was not paid in May 2019 she had to take out a pay day loan for £1000 and that the interest on that loan cost her £264. I have accepted her evidence and added £264 to the award for unlawful deduction from her wages as this sum is attributable to the failure to pay wages and it is appropriate to compensate her for it in accordance with section 24(2) of the Employment Rights Act 1996.

---

Employment Judge Siddall

---

Date 14 April 2020.

