



# EMPLOYMENT TRIBUNALS

**Claimant:** Joseph Massey-Allen

**First Respondent:** Karl Warriner

**Second Respondent:** KW Plumbing & Heating

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

The judgment of the Tribunal is that:

1. The claim in respect of unauthorised deduction of wages under section 23 Employment Rights Act 1996 against the First Respondent is well founded and succeeds. The First Respondent is ordered to pay to the Claimant the gross sum of **£616**.
2. The claim in respect of the failure to give notice against the First Respondent is well founded and succeeds. The First Respondent is ordered to pay the Claimant the sum of **£148**
3. The total amount to be paid to the Claimant is **£764**

## REASONS

4. The Claimant's Claim Form was presented on 10 February 2020, naming two respondents in claims for unpaid wages and notice pay. The Claim Form had been served and sent to the respondents. No response was received within the time specified in rule 16 of the Tribunal Rules of Procedure ('the Rules'). An Employment Judge considered that it was not appropriate to issue a judgment under rule 21 of the Rules because it was necessary to clarify which of the two respondents was the Claimant's employer and for the Claimant to clarify the amounts being claimed. In fact, the two respondents merge into one as the employer of the Claimant was Karl Warriner t/a as KW Plumbing & Heating.
5. The Claimant wrote to the Tribunal on 25 March 2020 confirming the amounts claimed as being:

- 5.1 Payment of outstanding wages: £582
  - 5.2 Payment of outstanding overtime: £60
  - 5.3 Notice pay: £148
6. At a telephone hearing on 17 April 2020 attended by the Claimant's father, Mr Kevin Allen as his representative, I was satisfied that the First Respondent was the Claimant's employer and had been properly served with the Claim Form.
7. I was able to establish the following facts:
- 7.1 The Claimant was employed by Mr Warriner trading as KW Plumbing & Heating as an apprentice plumber from 07 October 2019 to 24 November 2019;
  - 7.2 He worked 37 hours a week and was paid **£148** a week;
  - 7.3 His employment was terminated without notice on 24 November 2019 when he received a text from the First Respondent;
  - 7.4 The Claimant was entitled to 1 week's notice;
  - 7.5 The Claimant had not been paid his wages for the 4 weeks from 28 October, amounting to **£592** (not £582 as stated in the Claimant's letter).
  - 7.6 The Claimant had not been paid in respect of overtime which he worked on one Saturday shortly before his employment was terminated. He worked 6 hours. As there was no agreement that this would be paid anything other than his flat rate, this amounted to a payment due to the Claimant of **£24**;
8. Therefore, I was satisfied that the claims have been made out against the First Respondent, Mr Warriner and that I had sufficient information in order to make an award, the total amount of which is **£764**.

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**Employment Judge Sweeney**

Signed 17 April 2020