



# EMPLOYMENT TRIBUNALS

**SITTING AT:** ASHFORD

**BEFORE:** EMPLOYMENT JUDGE MORTON

**BETWEEN:**

Miss B Bell Gam Claimant

AND

Stephen Spence Respondent

**ON:** 20 July 2020

**Appearances:**

**For the Claimant:** In person

**For the Respondent:** No appearance

## JUDGMENT

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

1. The Claimant was at all times an employee of the Respondent (and not of the limited company known as Spence Estates Limited).
2. The Respondent having submitted no response to the claim, the Claimant succeeds in her claims against the Respondent of:
  - a. Breach of contract (underpaid wages, unpaid commission, unrecompensed expenses and pay for her notice period);
  - b. Unlawful deduction from wages (underpaid wages and holiday pay).

3. The Claimant is also entitled to an award of four weeks' pay under s38 Employment Act 2002 in relation to the Respondent's failure to give her written particulars of employment.
4. The Claimant is entitled to the following sums in compensation:
  - a. £5546 in respect of net loss of earnings at £2500 per month (gross) from 27 March 2019 to 27 June 2019;
  - b. £500 in respect of earned but unpaid commission;
  - c. £400 in respect of incurred but unpaid expenses;
  - d. £457 in respect of one week's statutory notice;
  - e. £1520 in respect of accrued but unpaid holiday; and
  - f. £2152 in relation to the Respondent's failure to provide her with written particulars of employment (applying a maximum amount of a week's pay of £538 under s38 (6)(b)).
5. The total payable to the Claimant by the Respondent is therefore **£10,575.00**

Employment Judge Morton

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Date: 20 July 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.

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