



EMPLOYMENT TRIBUNALS

Claimant: Mr G Johnson

Respondent: C Perkin Ltd

Heard at: Leeds (by telephone) **On:** 23 September 2020

Before: Employment Judge Parkin sitting alone

Representation

Claimant: In person

Respondent: No attendance or representation

JUDGMENT

Employment Tribunals Rules of Procedure 2013, Rule 21

The judgment of the Tribunal is that:

- 1) Case No 1802699/2020: The respondent made an unlawful deduction from wages in respect of the claimant's monthly wages due in March 2020 and is ordered to pay him the net sum of £2,253.56; and
- 2) Case No 1803802/2020: The respondent made unlawful deductions from the claimant's wages due under the Government furlough scheme in June and July 2020 and is ordered to pay him the gross sum of £3,750.00.

REASONS

1. "Code A" in the heading indicates that this was a remote hearing by telephone conference call.
2. The claimant presented two claims complaining of non-payment of wages/unlawful deduction by his employer. No ET3 response was presented to either claim. The claims were combined and listed for a case management hearing. In the event, it was possible to issue this judgment under Rule 21.

3. Whilst the Companies Register still showed the respondent company as active on 23 September 2020, the claimant had been told by his employer that it ceased trading on 17 July 2020 and would not resume trading and then, by insolvency practitioners Booth and Co of Ossett, that it had been put into creditors' voluntary liquidation on 10 September 2020.
4. He explained that in early March 2020 he had been sent home by his employer and told not to return to work until notified to do so. As set out in his first claim, there was a shortfall in his pay in March in the net sum of £2,253.56. He was then notified orally by his employer that he was to be put on the Government furlough scheme and would receive 80% pay from his employer, subject to the statutory maximum £2,500 per month.
5. Accordingly, he received furlough pay of £2,500 for April and May 2020, but his employer did not pay in June 2020 and had not made any further payment by the time he presented his second claim or it ceased trading, leaving outstanding the June 2020 payment of £2,500.00 and pay for the first half of July 2020, £1,250.00.
6. In all the circumstances, in the absence of responses and grounds of resistance to both claims, the tribunal is satisfied the respondent made unlawful deductions from the wages of the claimant as set out above.

Employment Judge Parkin

Date 23 September 2020