



EMPLOYMENT TRIBUNALS

Claimant: Mr Alan Stuart
Respondent: Andrews Excavations Limited
Heard at: East London Hearing Centre via CVP
On: Monday 5 October 2020
Before: Employment Judge John Crosfill

Representation

Claimant: In person
Respondent: No appearance or representation

JUDGMENT

Upon the Respondent failing to attend the hearing and failing to comply with any case management orders and in particular the order made by Employment Judge Burgher to disclose any contract or document entitling it to deduct monies from the Claimant's wages.

AND Upon telephone enquiries establishing that the Respondent was aware of the hearing.

AND Upon considering the Claimant's ET1 and the evidence provided by him and the ET3 submitted by the Respondent where it is admitted that sums were deducted from the Claimant's wages.

1. The Claimant's claim for unlawful deduction of wages brought under Part II of the Employment rights Act 1996 is well founded.
2. The Respondent unlawfully deducted the sum of £700 from the Claimant's wages for work done during the period 15 to 23 October 2019 being 7 working days at a daily rate of £140.00 being a total of £980.00.

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3. The Claimant's claim for payment in lieu of accrued but untaken annual leave brought under Regulations 14 and 30 of the Working Time Regulations 1998 is well founded.
4. The Claimant commenced work on 8 July 2019 and left on 23 October 2019. He took no annual leave. He is therefore entitled to 8.2 days of annual leave at a daily rate of £140 being a total of £1,148.00.
5. The Respondent is **ordered to pay** the Claimant the said sums of £980.00 and £1,148.00 **that is a total sum of £2128.00**
6. The Respondent having failed to disclose any contract entitling it to recover sums incurred as a consequence of damage to a vehicle AND having failed to prove that the Claimant was responsible for damage to any vehicle AND failing to establish by evidence that it incurred any costs or expenditure in respect of any damage. The Respondent's counterclaim is dismissed.

Employment Judge John Crosfill
Date: 9 October 2020