



EMPLOYMENT TRIBUNALS (ENGLAND & WALES)
LONDON CENTRAL

BETWEEN

Mr J C Muncada

Claimant

-AND-

Marriott Hotels Ltd

Respondent

Employment Judge:

Mr J S Burns

Representation:

Claimant

Ms A Saunders (Solicitors)

Respondent:

No ET3 or appearance

Judgment

The Respondent must pay the Claimant £1458.86 by 30 October 2020.

Reasons

1. The claim in the ET1 was for "other payments". I heard evidence on oath over CVP from the Claimant who confirmed the contents of his ET1 and a Schedule of Loss.
2. The ET1 states that the Claimant, who worked as a waiter, refused to accept the Respondent's offer at the end of March to be furloughed under the Coronavirus Job Retention Scheme and instead insisted on being paid in full, despite not being able to work because the restaurant was closed. He was dismissed by email with effect from 22/7/2020
3. He was paid at the rate of 80% from 1/4/20 and presented the claim on 19/6/2020.
4. The Respondent having failed to obtain the Claimant's consent to furlough and having failed to dismiss the Claimant prior to 22/7/20, remained obliged to pay him in full up to that date. By paying him at the 80% rate without his consent there has been an unlawful deduction from his wages.
5. The shortfall shown in his Schedule of loss is as follows

Month	Amount Expected	Amount Received	Difference
April	£1473.60	£1046.26	£427.34
May	£1473.60	£1105.20	£368.40
June	£1842.00.	£1473.60	£368.40
July	£1473.60	£1178.88	<u>£294.72</u>

TOTAL DIFFERENCE. **£1458.86**

J S Burns Employment Judge

London Central

8/10/2020

For Secretary of the Tribunals

date sent to the Parties 16/10/2020