



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs E Jones

**Respondent:** Samuel Smith Old Brewery (Tadcaster)

**Heard at:** Liverpool (by CVP)

**On:** 7 December 2020

**Before:** Employment Judge Peck (sitting alone)

## REPRESENTATION:

**Claimant:** Not in attendance

**Respondent:** Mr Vials, Solicitor

# JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's breach of contract claim in relation to notice pay fails.
2. The claimant's unauthorised deduction from wages claim in relation to arrears of pay and holiday pay fails.
3. The claimant was in breach of contract (a) by exceeding her staff hours allocation by 339 hours during the course of her employment, equating to the sum of £2,783.19; and (b) as a result of shortfall in stock to the value of £818.64. The respondent was entitled to make a deduction from the claimant's final salary wage of £943.29 and was contractually entitled to withhold the amount of £1,033.43 owing to the claimant on termination. The claimant is ordered to pay to the respondent the net sum of £1,625.11 being damages for breach of contract.

Employment Judge Peck

Date 21 December 2020

JUDGMENT SENT TO THE PARTIES ON

7 January 2021

FOR THE TRIBUNAL OFFICE

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

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2403235/2020**

Name of case: **Mrs E Jones** v **Samuel Smith Old Brewery (Tadcaster)**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding discrimination or equal pay awards or sums representing costs or expenses), shall carry interest where the sum remains unpaid on a day ("*the calculation day*") 42 days after the day ("*the relevant judgment day*") that the document containing the tribunal's judgment is recorded as having been sent to the parties.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant judgment day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: **7 January 2021**

"the calculation day" is: **8 January 2021**

"the stipulated rate of interest" is: **8%**

For and on Behalf of the Secretary of the Tribunals