



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr. D Osmanski

v

V Hospitality Ltd

Heard at: London Central (by video)

On: 8 December 2020

Before: Employment Judge P Klimov, sitting alone

Representation

For the Claimant: in person

For the Respondent: not present

This has been a remote hearing which was not objected to by the parties. The form of remote hearing was by Cloud Video Platform (CVP). A face to face hearing was not held because it was not practicable due to the Coronavirus pandemic restrictions and all issues could be determined in a remote hearing.

JUDGEMENT

1. The claimant failed to give valid reasons why his complaint of unfair dismissal should not be struck out, having been given the opportunity to do so by the tribunal order of 27 July 2020. Therefore, the claimant's complaint of unfair dismissal is struck out.
2. The respondent was in repudiatory breach of the claimant's contract of employment by failing to pay the claimant's wages due. The claimant accepted the respondent's repudiatory breach as bringing the contract to an end with effect from 20 April 2020. Therefore, the claimant was constructively dismissed by the respondent on **20 April 2020**.
3. The respondent was in breach of contract by dismissing the claimant without notice. The respondent is ordered to pay the claimant the sum of **£1,866.66** (being 80% of the claimant's normal salary for the one month's notice period), as damages for breach of contract.

4. The claimant's complaint that there was an unauthorised deduction from his wages in respect of the period 20 March to 20 April 2020 is well-founded. This means the respondent has made an unlawful deduction from the claimant's wages in contravention of section 13 of the Employment Rights Act 1996 and is ordered to pay the claimant **the net sum of £1,479.62** (being 80% of the claimant's normal salary for that period) for the wages unlawfully deducted and to account to HMRC for any tax and NI due.
5. The respondent was in breach of contract by failing to pay the claimant for one day of his accrued but untaken holiday and is ordered to pay the claimant the sum of **£107.69**, being damages for breach of contract.

Employment Judge P Klimov
10 December 2020

Sent to the parties on:

12/12/2020

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For the Tribunals 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 shortly after a copy has been sent to the claimant (s) and respondent(s) in a case.