



EMPLOYMENT TRIBUNALS

Claimant

Respondent

v

Mr Daniel Miles

Shine On Ovens Ltd

Judgment

Heard at: Southampton

On: 5 February 2021

Before: Employment Judge Rayner

Appearances

For the Claimant: In person

For the Respondent: Did not Attend

1. The hearing was conducted by the parties attending by video conference (CVP). It was held in public with the Judge sitting in open court in accordance with the Employment Tribunal Rules. It was conducted in that manner because a face to face hearing was not desirable in light of the restrictions imposed by the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 4) Regulations 2020 and the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, as amended.
2. The Respondent has made an unlawful deduction from the Claimant's pay in respect of the following:
 - a. Holiday pay of £345.00 gross
 - b. Wages for 4 days @£75.00 per day of £300.00 gross.
3. The Claimant's claim for £69.00 in respect of an unlawful deduction of wages is dismissed.
4. The Claimant's claim in respect of £300.00 tax rebate is dismissed for want of jurisdiction.
5. The Respondent's counter claim in respect of £20.00 paid to the Claimant for an overnight allowance succeeds.
6. The remainder of the Respondent's counter claim is dismissed.
7. The Respondent will now pay to the Claimant the sum of £625.00, calculated as follows:

Holiday pay owed to Claimant	£345.00 gross	
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Case Number: 1403046/2020 (CVP)

Unpaid wages	£300.00	
Total payable by Respondent to Claimant	£645.00	
Less employers counterclaim of £20.00	£625.00	
Total now payable by Respondent to Claimant		£625.00 gross

Employment Judge Rayner

Date: 5 February 2021

Sent to the parties: 17 February 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.

Note: online publication of judgments and reasons

The ET is required to maintain a register of all judgments and written reasons. The register must be accessible to the public. It has recently been moved online. All judgments and reasons since February 2017 are now available at:
<https://www.gov.uk/employment-tribunal-decisions>.

The ET has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register once they have been placed there. If you consider that these documents should be anonymised in any way prior to publication, you will need to apply to the ET for an order to that effect under Rule 50 of the ET's Rules of Procedure. Such an application would need to be copied to all other parties for comment and it would be carefully scrutinised by a judge (where appropriate, with panel members) before deciding whether (and to what extent) anonymity should be granted to a party or a witness

