



EMPLOYMENT TRIBUNALS

Claimants Mr Sarunas Puidokas

Respondent: Namto Limited

HELD AT: Manchester **ON:** 19 February 2021

BEFORE: Employment Judge Phil Allen
(sitting alone)

REPRESENTATION:

Claimants: In person

Respondents: Not represented, no response having been submitted

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The Tribunal having heard the evidence from the claimant in a hearing conducted remotely by CVP technology, the Judgment of the Tribunal is that:

1. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the gross sum of **£1,753**.
2. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of **£431.10**.
3. The Tribunal does not have jurisdiction to consider the claimant's claim for breach of contract as the claim was not entered within the time required by paragraph 7 of the Employment Tribunals Extension of Jurisdiction (England & Wales) Order 1994.
4. The sums awarded should be paid to the claimant within 14 days of the date when this Judgment is sent to the parties.

REASONS

1. The claimant claimed unlawful deduction from wages, breach of contract (in respect of notice) and for accrued but untaken holiday pay. No response was presented to the claims by the respondent.
2. The hearing was conducted by CVP remote video technology. It was attended by the claimant. He gave evidence under oath.
3. The Tribunal makes the following findings:
 - a. The claimant was employed by the respondent from 18 February 2020 until 21 June 2020;
 - b. The claimant was not paid £1,753 of pay which was due to him, without any lawful and valid reason, and therefore this was an unlawful deduction from the claimant's wages;
 - c. As at the termination of the claimant's employment the claimant had accrued but untaken annual leave and he was not paid for this following termination as he should have been. The claimant was due £431.10 for accrued but untaken annual leave;
 - d. The claimant was not given any notice of the termination of his employment, nor was he paid in lieu of notice. The claimant was entitled to one weeks notice. The respondent therefore dismissed the claimant in breach of contract. However, the date upon which a claim should have been entered at the Tribunal was 20 October 2010, based upon the date of termination of employment (21 June) and the period of ACAS Early Conciliation. The claim was entered on 21 October 2010 and it was reasonably practicable for the claim to have been entered in time. The Tribunal therefore does not have jurisdiction to determine the claimant's claim for breach of contract (notice). The position differed for the claims for unlawful deduction from wages and for accrued but untaken holiday pay, as time for those claims runs from the date when payment was due/the deduction was made, and therefore those claims were brought within the time required.

Employment Judge Phil Allen
19 February 2021

JUDGMENT SENT TO THE PARTIES ON

23 February 2021
AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunaldecisions 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: 2415972/20
Mr S Puidokas v Namto Limited

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision 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 decision day" is: 23 February 2021

"the calculation day" is: 24 February 2021

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

MR S ARTINGSTALL For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.