



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4107257/2020**

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**Held via Cloud Video Platform (CVP) on 15 February 2021**

**Employment Judge J McCluskey**

10 **Mr John Archer**

**Claimant  
In Person**

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**Windparkservice Limited**

**Respondent  
Not present and  
Not represented**

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**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The judgment of the Tribunal is that:

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(i) The complaint of unauthorised deduction from wages is well founded and the respondent shall pay to the claimant the sum of £2,339, subject to deduction of any tax and national insurance required to be made;

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(ii) The complaint in respect of holiday pay accrued but not paid as at the termination of employment is well founded and the respondent shall pay to the claimant the sum of £393.05, subject to deduction of any tax and national insurance required to be made;

(iii) The claim under section 24(2) Employment Rights Act 1996 for compensation for financial loss attributable to the matter complained of is not well founded and is dismissed.

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**REASONS**

1. The claimant presented a claim to the Employment Tribunal on the 13 November 2020 asserting there had been an unlawful deduction from wages in respect of the payment of wages for August 2020; that he had not been  
5 paid holiday pay in August 2020; and for compensation for financial loss attributable to the complaint of unauthorised deduction from wages.
2. The respondent did not enter a response.
3. The claimant produced a copy of the payslip he received from the respondent dated 31 August 2020. He asserted that he had not been paid any of the  
10 wages or holiday pay shown on the payslip which covered the month of August 2020.
4. At the beginning of the hearing the claimant indicated a change of address and I directed that the file be amended accordingly.
5. I heard evidence from the claimant and I accepted the claimant had worked  
15 throughout the period covered by the payslip dated 31 August 2020. He had handed in his notice on 15 August 2020 and worked his notice period of two weeks during August 2020. I accepted that the claimant's notice period was two weeks. His employment ended on expiry of his two weeks' notice period.
6. The claimant was not paid the wages shown on the payslip dated 31 August  
20 2020. I was satisfied the claimant was owed those wages totalling £2,339, being basic pay of £2,129 and a daily allowance of £210, as shown on the payslip.
7. The claimant was not paid for holidays accrued but untaken as at the  
25 termination of his employment. I was satisfied the claimant was owed the sum of £393.05 for holidays accrued but untaken as at the termination of his employment, as shown on the payslip.
8. The claimant asserted that he was due £500 in compensation as he took a loan from his current employer due to the hardship suffered as a result of not receiving payment of wages. I heard evidence from the claimant about this

assertion. The claimant had repaid the loan to his current employer. His current employer had not charged any interest on the loan. The claimant did not incur any costs, interest or charges which were attributable to the matter complained of. I explained to the claimant that it was only within my jurisdiction to make an order under section 24(2) Employment Rights Act 1996 for any financial loss sustained by him which was attributable to the matter complained of. As the claimant has not demonstrated any such loss the claimant is not due any compensation under section 24(2) Employment Rights Act 1996.

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15 **Employment Judge:**  
**Date of Judgment:**  
**Date sent to parties:**

**Jacqueline McCluskey**  
**25 February 2021**  
**26 February 2021**