



EMPLOYMENT TRIBUNALS

Claimant

Respondent

v

Ms Gaia Del Croce

Jupiter New Business Limited

Heard at: Watford

On: 5 March 2021

Before: Employment Judge H Allen

Appearances

For the Claimant: Unrepresented

For the Respondent: Angus Gloag of Counsel

JUDGMENT

Preliminary Issue

1. Jurisdiction

- 1.1 S23 (2) Employment Rights Act 1996 provides an employment tribunal shall not consider a claim under this section unless it is presented before the end of the period of three months beginning with the date of payment of the wages from which the deduction was made [S23(2)a], or where a complaint is brought under this section in respect of a series of deductions or payments the references in subsection (2) to the deduction or payment are to the last deduction or payment in the series or to the last of the payments so received [S23(3)a].
- 1.2 The claimant was dismissed on 5 February 2020. However, her final pay advice was not issued until 28 February 2020. The claimant was therefore unaware of the full extent of the deductions made by the respondent until 28 February 2020. The 3-month time limit to bring her claim was therefore 28 February to 28 May 2020.
- 1.3 The claimant lodged her claim with ACAS on 18 May 2020.
- 1.4 ACAS certificate was issued on 8 June 2020.
- 1.5 ET1 lodged with the Employment Tribunal on 3 July 2020.

- 1.6 Consequently, her claim is within time and this tribunal has jurisdiction to hear it.

2. The respondent has made unauthorised deductions from the claimant's wages and is ordered to pay the claimant the gross sum of £1,765.02.

3. The Respondent's application for costs against the claimant is dismissed.

Employment Judge H Allen
15 April 2021

Date:

27 April 2021
Sent to the parties on:

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For the Tribunal Office

Note

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.