



EMPLOYMENT TRIBUNALS

Claimant

Respondent

v

Gafar Shode

Adwell Care Limited,
T/as Adwell Supported Living

Heard at: Watford by CVP
Before: Employment Judge

On: 20 May 2021

Appearances

For the Claimant: Unrepresented
For the Respondent: Miss Omotosho, Solicitor

COVID-19 Statement on behalf of Sir Keith Lindblom, Senior President of Tribunals

"This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was CVP. A face-to-face hearing was not held because it was not practicable and no-one requested the same and all issues could be determined in a remote hearing. The documents that I was referred to are in a bundle of 32 pages, the contents of which I have recorded. The order made is described at the end of these reasons.

JUDGMENT

1. The claim for breach of contract (payment in lieu of notice) is in part well founded and succeeds.
2. The claim for unauthorised deduction from wages (Holiday Pay) is in part well founded and succeeds.

REASONS

3. The respondent has today conceded that payment in lieu of notice was wrongly calculated on the basis of £8.80 per hour instead of £10 per hour and the claimant was under paid by £42.
4. The respondent has today conceded that the claimant had accrued holiday of 15.62 hours for which he ought to have been paid £156.20 on date of termination (28 May 2020).

5. On date of termination (28 May 2020) the claimant was underpaid by £198.20.
6. The claimant was overpaid the sum of £100 in respect of a shift worked on 18 April 2020. On that date the claimant was agency staff and was paid for the shift through the agency that employed him. He was then paid again in error for that shift when he became a direct employee of the respondent. The respondent is therefore entitled to recover that over payment from the sums outstanding to the claimant.
7. The respondent will pay the claimant the total sum of £98.20. [(£42 + £156.20) - £100 = £98.20]
8. I have today seen a confirmation of payment from Barclays bank of the sum of £98.20 paid by the respondent to the claimant on today's date namely 20 May 2021.
9. If on or before 30 June 2021 no party has applied for the case to be restored to the list for hearing this judgment shall stand without further order.

Employment Judge Allen

Date: 1 June 21

Sent to the parties on: 18 June 21

For the Tribunal Office