



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr K Weller

**Respondent:** Company 11728235 Limited

**Heard at:** Manchester (by CVP and telephone)      **On:** 10 June 2021

**Before:** Employment Judge Leach

## Representation

Claimant: In person

Respondent: Response not received, did not attend.

# JUDGMENT

1. The respondent breached section 13 Employment Rights Act 1996 by making the following unauthorised deductions from the claimant's wages:-

1.1	Non payment of wages for 1 - 31 October 2020 -	£6750 (gross)
1.2	Non payment of wages for 1 - 4 November 2020 -	£821.92 (gross)

The Respondent is ordered to pay to the claimant the sum of **£7071.92 (gross)**

2. The respondent breached the claimant's contract of employment and the claimant was constructively dismissed. The claimant is entitled to damages for breach of contract as follows:-

2.1	non payment of pension contributions in to pension scheme for period 2 September 2020 – 4 November 2020	£375
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- 2.2 loss of notice period (one week)

2.2.1	Salary	£1442.30 (gross)
2.2.2	pension	£ 68.75

2.3	Loss of contractual benefit of motor car (23 October 2020-11 November 2020)	£200
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2.4	Non payment of expenses	£1158.58
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The Respondent is ordered to pay to the claimant damages for breach of contract in the sum of **£3244.64**

**Conclusion**

The amount that the respondent is ordered to pay to the claimant is **£7071.92** (gross) as payment of unauthorised deductions from wages PLUS **£3244.64** as damages for breach of contract.

Employment Judge Leach

Date 10 June 2021

JUDGMENT SENT TO THE PARTIES ON

23 June 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.

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) 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: **2419924/2020**

Name of case: **Mr K Weller** v **Company 11728235 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 judgment day" is: 23 June 2021

"the calculation day" is: 24 June 2021

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

For the Employment Tribunal Office