



EMPLOYMENT TRIBUNALS

Claimant: A Ali
Respondent: Allerton Dental Limited

AT A PRELIMINARY HEARING

Heard at: Leeds by CVP video link **On:** 18th October 2021
Before: Employment Judge Lancaster

Representation

Claimant: In person
Respondent: Mr J Herzog, solicitor

JUDGMENT

1. The application to amend the claim to add, in substitution for the complaint of ordinary unfair dismissal which the tribunal has no jurisdiction to hear, a complaint of automatically unfair dismissal under sections 104 and/or 104A of the Employment Rights Act 1996 is refused. The claim for statutory unfair dismissal is dismissed.
2. The claim for an alleged payment of less than the amount properly payable in respect of a notified deduction from wages of £32.50 from September 2019 is out of time, and there is no reasonable prospect of the Claimant establishing that it would not have been reasonably practicable to have brought it in time. It is dismissed.
3. The claim for unauthorised deductions from wages in respect of the Respondent continuing to pay the apprenticeship rate, and not the applicable national minimum wage for a 19 year old, from 28th February 2002 until 2nd September 2020 has no reasonable prospect of success upon a proper application of regulation 5 (1) (b) of the National Minimum Wage Regulations 2015 and is out of time. It is dismissed.
4. The claim for unauthorised deductions from wages in respect of an alleged right to be paid "overtime" for those weeks where the Claimant was not required to attend at college for one day and therefore worked all of her contracted 39 ½ hours five day week for the Respondent has no reasonable prospect of success. It is dismissed.
5. The claim of direct age and/or race discrimination in respect of allegation 7 in the Claimant's List served on 30th March 2020 (in distinction to it potentially being evidence of other discrimination) has no reasonable prospect of success. It is dismissed.
6. All other extant claims will continue to a final hearing, subject to the case management orders made separately.

Case: 1807416/2020

7. Any application for costs by the Respondent in respect of the matters determined at this preliminary hearing is adjourned until that final hearing.

Philip Lancaster

EMPLOYMENT JUDGE LANCASTER
DATE 18th October 2021

JUDGMENT SENT TO THE PARTIES ON
DATE 10th November 2021

FOR SECRETARY OF THE TRIBUNALS
Ms J L M Philpott

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless 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 shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.