



THE EMPLOYMENT TRIBUNALS

Claimant: Mr Justin Allen
Respondent: HQBS Limited
Heard at: Newcastle upon Tyne Hearing Centre
On: Wednesday 27th October 2021
Before: Employment Judge Johnson sitting alone

Representation:

Claimant: In Person
Respondent: No attendance no appearance

JUDGMENT

1. The claimant's complaint of unlawful deduction from wages is well-founded and succeeds. The respondent is ordered to pay to the claimant the net sum of £10,909.23 being wages unlawfully deducted.
2. The claimant's complaint of breach of contract (failure to pay notice pay) is well-founded and succeeds. The respondent is ordered to pay to the claimant compensation for breach of contract (failure to pay notice pay) at the rate of one week's pay in the net sum of £632.39.

REASONS

1. This matter came before me this morning for consideration of the claimant's claims for unpaid notice pay, unpaid holiday pay and unpaid arrears to pay. The claimant attended in person and gave evidence under oath. There was no attendance or appearance on behalf of the respondent.
2. By a claim form presented on 14th August 2021, the claimant brought complaints of unpaid wages, unpaid holiday pay and unpaid notice pay. The claim had originally been brought against HQBS Energy Limited, but by agreement the name of the respondent was changed to HQBS Limited. By response form

presented on 19th October 2021, the respondent admitted it failed to pay the claimant's wages and holiday pay, but challenged the claimant's calculation of his entitlement to commission.

3. On 26th August 2021 the parties were informed that the claimant's claims would be heard by way of a CVP hearing on 27th October 2021 at 9.45am. The timing of the hearing was changed and the parties were notified on 26th October that it would now take place by way of CVP hearing at 11.30am. There is a note on the tribunal file confirming that the parties had confirmed by telephone that they had received the amended notice of hearing.
4. The hearing commenced at 11.30am. The claimant attended in person. No-one attended on behalf of the respondent. No-one from the respondent had joined the hearing by the time it concluded at 11.50am.
5. The claimant gave evidence under oath and confirmed the calculations set out in section 8.2 on page of the claim form. The claimant confirmed as follows:-
 - (i) unpaid pension contributions of £387.60
 - (ii) unpaid wages and holiday pay totalling £4,053.63, unpaid commission of £6,468.00 and unpaid notice pay of £632.39.

I took the claimant through those calculations and was satisfied that those sums are due to the claimant from the respondent.

6. The respondent is ordered to pay to the claimant the total sum of £10,909.23 in respect of unpaid wages plus £632.39 for unpaid notice pay. The total sum ordered to be paid to the claimant by the respondent is £11,541.62.

G Johnson

EMPLOYMENT JUDGE JOHNSON

JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON
3 November 2021

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