



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimants**

and

**Respondent**

**Mr E. Ammirati (1)  
Mr F. Barretta (2)  
Mr G Mistrorigo (3)**

**South Coast Dining Ltd**

**Held at: Exeter by Video**

**On: 13 December 2021**

**Before: Employment Judge Smail**

## Appearances

**Claimants:** The Second Claimant  
**Respondent:** No appearance

## JUDGMENT

1. The First Claimant's claims (Mr Ammirati's) of unauthorised deductions from earnings (relating to wages owed, unpaid pension contributions and unpaid furlough monies), unpaid holiday pay, and breach of contract in the form of failure to pay notice pay, are all well-founded.

<b>No.</b>	<b>Claim</b>	<b>Calculation</b>	<b>£</b>
1	Unpaid wages to 16.3.20	4 weeks net	1,070.00
2	15 days taken but unpaid holiday	15 x £93.68	1,405.20
3	Unpaid pension contributions	Throughout employment	1,250.00
4	Unpaid furlough pay 1 April 2020 to 30 June 2020 (but taken by the Respondent from the Government)	3 months @ £2,500	7,500.00
5	1 week's notice from 1 July 2020		470.00
6	Owed to the First Claimant	<b>GRAND TOTAL</b>	<b>£11,695.20</b>

2. The Second Claimant's claims (Mr Barretta's) of unauthorised deductions from earnings (relating to wages owed for March 2020 and unpaid pension contributions), accrued but unpaid holiday, breach of contract in the form of failure to pay notice, and unfair dismissal, are all well-founded.
  
3. The Second Claimant did not make any - and was not dismissed for having made any – protected disclosures.

<b>No.</b>	<b>Claim</b>	<b>Calculation</b>	<b>£</b>
1	Unpaid wages 3/2020	4 weeks net	1,900.00
2	Unpaid pension contributions	Throughout employment bar the occasional payment	2,390.57
3	Accrued but untaken holiday pay	6 days @ £100 gross	600.00
4	Unpaid notice pay	2 weeks @ £475 net	950.00
5	Unfair dismissal		
	- Basic award	2 weeks gross capped	1,076.00
	- Loss of stat rights		500.00
	- 7 months loss of earnings @ 80% furlough rate	£475net x 28 weeks less 20% = £10,640 less £1,911.86 benefits	8728.14
6	Owed to the Second Claimant	<b>GRAND TOTAL</b>	<b>£16,144.71</b>

4. The Third Claimant's (Mr Mistrorigo's) claims for unauthorised deductions from earnings (in respect of wages owed and unpaid pension contributions), taken but unpaid holiday and for breach of contract in the form of failure to pay notice are all well-founded.
  
5. The Third Claimant did not make any - and was not dismissed for having made any – protected disclosures.

<b>No.</b>	<b>Claim</b>	<b>Calculation</b>	<b>£</b>
1	Unpaid wages to 19/3/2020	4 weeks net	1,100.00
2	Unpaid pension contributions	Throughout employment	2,129.42
3	Taken but unpaid holiday	February 2020	405.00
4	1 week's notice		400.00
	Owed to the Third Claimant	<b>GRAND TOTAL</b>	<b>£4,034.42</b>

6. The Respondent must pay Mr Ammirati £11,695.20 within 7 days.

**Case Number: 1402635/2020  
1402636/2020  
1402637/2020**

7. The Respondent must pay Mr Barretta £16,144.71 within 7 days.
8. The Respondent must pay Mr Mistrorigo £4,034.42 within 7 days.

Employment Judge Smail  
Date: 13 December 2021

Judgment sent to the parties: 31 December 2021

For the Tribunal Office