



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4107039/2019

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Held in Glasgow on 25 October 2019

Employment Judge Neil Buzzard

Mr D Nisbet

**Claimant
In Person**

Trac Engineering Ltd

**Respondent
Represented by:
Mr Caiden -
Counsel**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is as follows:

1. The claimant's application for that the hearing be postponed was not granted.
2. The claimant's made claims that the respondent made unlawful deductions from his wages arising as follows:
 - 15 a. from an alleged failure to pay owed holiday pay;
 - b. from an alleged incorrect rate of pay; and
 - c. from an alleged failure to pay the claimant whilst undergoing training.

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These claims were not submitted to the Tribunal within the time limit for presentation of claims in circumstances where it was reasonably practicable for them to be presented in time. Accordingly, the claims are not within the jurisdiction of the Tribunal to consider and are dismissed.

3. The claimant's claim that the respondent made an unlawful deduction from his pay to recover training costs are not well founded. The deductions made were authorised by the claimant and thus lawful. Accordingly, the claim is dismissed.

5 4. The claimant raised at the hearing a new claim that the respondent failed to pay him for a 12-hour shift in the final week of his employment. The claimant did not produce evidence to support this claim, which was raised at the hearing, which was well outside the time limit for presenting such a claim in circumstances when it was reasonably practicable for the claimant to present
10 the claim in time. Accordingly, the claim is dismissed as outside the jurisdiction of the Tribunal to consider and in any event is not well founded.

5. The respondent's application for costs is not well founded and is dismissed.

Oral judgment with full reasons was given at the hearing for the claimant's claims and the respondent's costs application. No request for full written reasons was made
15 at the hearing.

Employment Judge: N Buzzard
Date of Judgment: 8 November 2019
Entered in register: 11 November 2019
and copied to parties
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*/confirm that this is my judgment in the case of Mr D Nisbet v Trac Engineering Ltd,
30 case number 4107039/2019 and that I have signed the order by electronic signature.*