



EMPLOYMENT TRIBUNALS

Claimant: Mr Newton

Respondent: The Original Cottage Company Limited

Heard at: Newcastle CFCTC (by CVP) **On:** 27 January 2022

Before: Employment Judge Newburn

Appearances

For the Claimant: In person

For the Respondent: Mr Duffy (Counsel)

JUDGMENT

1. The Claimant's claim for unauthorised deduction from wages under section 13 Employment Rights Act 1996 ('**ERA**') was not presented to the Employment Tribunal in within the time limit prescribed by section 23(2) ERA. The Employment Tribunal is not satisfied that it was not reasonably practicable for the claim to have been presented within that time limit. The claim is out of time. The Employment Tribunal does not have jurisdiction to hear that claim. The claim for unauthorised deduction from wages is therefore dismissed.
2. The Claimant's claim for a redundancy payment is well founded and succeeds. The Respondent is ordered to pay to the Claimant to sum of £631.13 in respect of his redundancy payment, (this being £1,459.85, less £828.72 already paid to the Claimant in respect of his redundancy payment).

EMPLOYMENT JUDGE NEWBURN

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 31 January 2022**

Format of the Hearing

The hearing was conducted by the parties attending by Cloud Video Platform. It was held in public in accordance with the Employment Tribunal Rules. It was conducted in that manner because a face to face hearing was not possible in light of the Government Guidance in connection with the coronavirus pandemic and it was in accordance with the overriding objective to do so

Note

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 shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.