



EMPLOYMENT TRIBUNALS

Claimant: Mr A Willson

Respondent: North Star Property Services and Solutions Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim of unlawful deduction of wages (arrears of pay) is well-founded and succeeds.
2. The Respondent is ordered to pay to the Claimant the gross sum of £3,588.51.

REASONS

1. On 12 February 2022, the Claimant presented a Claim Form to the Tribunal in which he brought complaints of:
 - a. unlawful deduction of wages (under section 23 Employment Rights Act 1996);
 - b. failure to pay accrued but untaken holiday pay on termination of employment (Regulation 30(1)(b) Working Time Regulations 1998);
2. The proceedings were served on the Respondent at the address provided by the Claimant, which is the Respondent's registered office, with a response date of 29 March 2022. No response was returned. The Tribunal wrote to the Claimant on 01 April 2022 requesting some further information on the amounts claimed and the Claimant responded on that day providing the information, along with supporting evidence, and also indicating that he was content only to proceed in respect of the claim for arrears of pay and not the claim for outstanding holiday pay.
3. Under rule 21 of the Tribunal Rules of Procedure 2013, where on the expiry of the time limit in rule 16 no response has been presented and no application for a reconsideration is outstanding, an employment Judge shall decide whether on the available material, a determination can properly be made of the claim or part of it. If there is, the judge shall issue a judgment, otherwise a hearing must be fixed before a judge alone.

4. As at the date of termination of employment, the Claimant had not been paid gross salary of £2,628.51 in respect of the month ending 15 December 2021 and £960 in respect of the month ending 15 January 2022, making a total of £3,588.51 in unpaid wages..
5. I was satisfied that I had sufficient information to enable me to issue a judgment. The amounts claimed were properly payable to the Claimant. The Respondent has failed to pay them in contravention of section 13 Employment Rights Act 1996. The hearing listed for 27 April 2022 is no longer required and is cancelled.

Employment Judge **Sweeney**

Date: 5 April 2022