



EMPLOYMENT TRIBUNALS

Claimant 1: Ms D. Carey
Claimant 2: Mr M. Riley

Respondent: Tom's Kitchen CCS Ltd

Heard at: Cambridge Employment Tribunal

On: 25 and 26 April 2022

Before: Employment Judge Hutchings (sitting alone)

Representation

Claimant 1: in person
Claimant 2: in person
Respondent: Mr O. Fuller of Counsel

Claimant 1 is the claimant in case no: 3300355/2021

Claimant 2 is the claimant in case no: 3301502/2021

JUDGMENT

Case no: 3300355/2021 – Ms D Carey and Tom's Kitchen CCS Ltd

1. The Claimant's claim for breach of contract is not upheld. The claimant is not entitled to any contractual payments.
2. The claimant's claim for unlawful deduction from wages is well founded. By consent the respondent will pay the claimant the sum of £295.26, this being the deduction due to a miscalculation of wages under the flexible furlough agreement.
3. The complaint of constructive dismissal is not well founded. This means that the claimant's employment with the respondent did not terminate by reason of a fundamental breach of the claimant's employment contract by the respondent.

Case no: 3301502/2021 – Mr M Riley and Tom’s Kitchen CCS Ltd

- 1.1. The Claimants claim for unfair dismissal is not well founded. This means that the respondent did not dismiss the claimant.
- 1.2. The claimant’s claim for breach of contract for notice pay is not well founded. The claimant has not been dismissed by reason of redundancy or at all.
- 1.3. The claimant’s complaint that there was an unlawful deduction from his wages is not well founded. The respondent does not owe the claimant any money for wages.
- 1.4. The claimant’s claim for holiday pay is not well founded as it is out of time.

Employment Judge **Hutchings**

Date: 26 April 2022

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

Notes

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.