



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M A Muzamil

**Respondent:** 5 Solutions Limited

**Heard at:** Remotely by Cloud Video Platform ('CVP')

**On:** 13 May 2022

**Before:** Employment Judge Sweeney

**Representation:**

**Claimant:** Ms D Baral  
**Respondent:** No attendance

## JUDGMENT ON REMEDY

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. Judgment on liability in respect of the claim of unlawful deduction of wages (arrears of pay) having been sent to the parties on **30 March 2022**, the Respondent is ordered to pay to the Claimant the gross sum (i.e. before tax and National Insurance) of **£2,028**.

## REASONS

### Background

1. On **06 January 2022**, the Claimant presented a Claim Form to the Tribunal in which he brought complaints of:
  - a. Unfair dismissal,
  - b. Race discrimination
  - c. unlawful deduction of wages (under section 23 Employment Rights Act 1996);
2. The proceedings were served on the Respondent at its registered office, with a response date of **10 February 2022**. No response was returned. On **13 January 2022**, the parties

were sent a notice of hearing in respect of a telephone preliminary hearing to be held on **08 March 2022**. The Respondent did not attend that hearing. At that hearing, the Claimant was represented by his wife, Ms Baral.

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. At the hearing on **08 March 2021**, Judge Martin considered that she had sufficient information to issue a judgment on liability, which she duly did in respect of the complaint of unlawful deductions. The Claimant withdrew the complaints of unfair dismissal and race discrimination which were dismissed upon withdrawal. Judge Martin directed that the issue of remedy be determined at today's hearing. She ordered the Claimant to provide some further information, which he did on **12 May 2021**.
4. The Claimant was again represented by his wife, Ms Baral. The Claimant gave evidence on his own behalf. He confirmed the details as set out in the email of **12 May 2022**. I found him to be an honest witness.

### **Findings of fact**

5. The Claimant started work for the Respondent on **01 November 2021** as a Head Chef. The Respondent agreed to pay him £12 an hour for each hour worked. It was agreed that he would be paid monthly. The Claimant's employment terminated on **19 November 2021**. In that period, the Claimant worked 169 hours. As at the date of termination he had not been paid any wages by the Respondent. Neither was any payment made to him after that date. He had not been sent any payslip by the Respondent. The total amount due to be paid to him on termination came to **£2,028 (£12 x 169)**.

### **Conclusion**

6. Having accepted the evidence of the Claimant as to his rate of pay and the number of hours worked during his employment, I was satisfied that I had sufficient information to enable me to conclude that he had worked 169 hours in the period he was employed by the Respondent, that the whole amount of **£2,028** was properly payable on termination of his employment and that the Respondent had failed to pay that amount to the Claimant. Therefore, I was able to issue a judgment against the Respondent in that sum.

Employment Judge **Sweeney**

Date: 13 May 2022