



EMPLOYMENT TRIBUNALS

Claimant: Ms P Watson

Respondent: Archangel Ltd

Heard at: Birmingham (by video)

On: 14 & 15 February 2022

Before: Employment Judge V Jones

Representation

For the claimant: In person

For the respondent: Mr M Ibrahim, Director

JUDGMENT

- The claimant's claim under section 23(1) Employment Rights Act 1996 (ERA) is well-founded. The respondent made unlawful deductions from the claimant's wages between 24 February 2021 and 10 March 2021, contrary to section 13 ERA, by failing to pay the claimant her full entitlement to wages. The total amount underpaid was £146.22 calculated as follows:

(i)	<u>Wages paid on 24 February 2021</u>	
	Total wages due (27.5 hours at £9 per hour):	£247.50
	Less paid	- £147.42
	Shortfall	£100.08
(ii)	<u>Wages paid on 3 March 2021</u>	
	Deduction for overpaid holidays	£ 89.44
	Less overpaid holiday pay owed by the claimant	- £ 43.30
	Shortfall	£ 46.14
(iii)	Total	<u>£ 146.22</u>

- The respondent is ordered to pay the claimant the total of £146.22 unlawfully deducted, under section 24(1) ERA.
- The claimant was unfairly dismissed and the respondent is ordered to pay her compensation for unfair dismissal calculated as follows:

- | | |
|---|----------------|
| (a) <u>Basic award</u> (calculated in accordance with the formula set out in section 119 ERA (2 x 1 x 247.50) | £ 495.00 |
| (b) <u>Compensatory award (s123 ERA)</u> | |
| Loss of earnings (no award as the claimant obtained alternative employment immediately termination of her employment at a commensurate rate of pay) | nil |
| Loss of statutory rights | £400.00 |
| (c) Total award for unfair dismissal (a) + (b) | <u>£895.00</u> |
4. The respondent dismissed the claimant without notice or payment in lieu. The claimant was entitled to notice pay for the period 24 February to 23 March 2021. The claimant is awarded damages for breach of contract of 4 weeks' pay £990.00
5. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.
6. The total amount payable by the respondent to the claimant is **£2,031.22.**

Employment Judge V. Jones

Date 25 February 2022

Note

Written reasons will not be provided unless 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.