



EMPLOYMENT TRIBUNALS

Claimant: Mr Trevor Naylor

Respondent: Cyclone Leisure Group 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.
 - 1.1. The Respondent is ordered to pay to the Claimant the gross sum of **£434.20**.

REASONS

1. On 28 February 2022, the Claimant presented a Claim Form to the Tribunal in which he brought a complaint of unlawful deduction of wages (under section 23 Employment Rights Act 1996).
2. The Claim Form was served on the at its registered office, with a response date of 15 April 2022. However, no response was received. On 20 April 2022, the Respondent sought some further information from the Claimant, which he provided 28 April 2022.
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 was paid the gross amount of £10.40 an hour. On 01 November 2021 he gave notice to terminate his employment. In respect of his last week of employment he worked 41.75 hours – in the period 22 November to 28 November 2021, making a total of £434.20. Those wages were due to be paid to him on termination but were not paid.

5. I was satisfied that I had sufficient information to enable me to conclude that the wages of £434.20 were properly payable on termination and that the Respondent had failed to pay those wages. Therefore, I was able to issue a judgment against the Respondent.

Employment Judge **Sweeney**
10 May 2022