



# EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4112063/2021

Employment Judge: D Hoey

Mr Daniel Gordon

Claimant

JTM Build & Design Ltd

Respondent

## JUDGMENT

### Rule 21 of the Employment Tribunal Rules of Procedure 2013

No response has been presented to this claim and an Employment Judge has decided to issue the following judgment on the available material under rule 21:

- 1 The respondent underpaid the claimant the gross sum of £22.95 per week for 10 weeks resulting in the respondent unlawfully deducting the sum of £229.50 from his wages in breach of section 13 of the Employment Rights Act 1996. The respondent is therefore ordered to pay the claimant the gross sum of £229.50 (**TWO HUNDRED AND TWENTY NINE POUNDS AND FIFTY PENCE**) less any deductions required by law.
- 2 The respondent unfairly dismissed the claimant in terms of section 104 of the Employment Rights Act 1996, being an automatically unfair dismissal not requiring 2 year's service (where the reason for the dismissal was that the claimant had alleged an infringement of a relevant statutory right in terms of the Employment Rights Act 1996).

- 3 The claimant is awarded compensation in the sum of £554.40 (**FIVE HUNDRED AND FIFTY FOUR POUNDS AND FORTY PENCE**) (in respect of a compensatory award, there being no basic award due, as compensation for his unfair dismissal). Compensation is calculated on the basis of £4.62 per hour (minimum wage) for 40 hours per week for 3 weeks. The recoupment regulations do not apply to this award, the claimant not having secured any relevant statutory benefits.
- 4 The above sums should be paid within 7 days.

**Employment Judge: D Hoey**  
**Date of Judgment: 25 July 2022**  
**Entered in register: 27 July 2022**  
**and copied to parties**