



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4101066/2022 (V)

Held on 29 April 2022

Employment Judge N M Hosie

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Mr B Nlemchi

**Claimant
In Person**

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Protect1 Security Ltd

**Respondent
No Appearance**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The Judgment of the Tribunal is that the claim under s.23 of the Employment Rights Act 1996 is well-founded and the respondent shall pay to the claimant the sum of Nine Hundred and Eighty-Eight Pounds (£988), as unlawful deductions from wages.

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REASONS

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1. This was a claim for unlawful deduction of wages. The claim form was presented outwith the three month time limit. However, the claimant has no experience of employment tribunal procedures. He had sought advice from the Citizens Advice Bureau and also ACAS. Having heard evidence from him, I was satisfied that there was a genuine misunderstanding on his part as to the time limit for lodging his claim. I was satisfied that it had not been “reasonably practicable” for his claim to be presented in time but it had been

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presented as soon as possible after the time limit. I decided that I should exercise my discretion and extend the time limit.

5 2. The claim was not defended. However, an Employment Judge decided there was insufficient information to issue a “Rule 21 Judgment” and that a hearing should be fixed.

10 3. I heard evidence from the claimant at the hearing. He gave his evidence in a measured, consistent and convincing manner and presented as credible and reliable. He submitted in support of his claim a text message which he had sent to the respondent on 9 October 2021 with details of the hours which he had worked (documentary production 2). I was satisfied that he had worked a total of 104 hours but that he had not been paid for that work. His hourly rate was £9.50. Accordingly, there has been an unlawful deduction
15 from his wages of £988. I shall issue a Judgment to that effect.

Employment Judge	Hosie
Date of Judgement	13th May 2022
Date Sent to Parties	13th May 2022

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