



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Andrew Clarke

**Respondent:** Majestic Motors Ltd

**Heard at:** Birmingham (via CVP)      **On:** 14 September 2022

**Before:** Employment Judge Boyle

## Representation

Claimant: in person

Respondent: Mr B Thompson (Director of the Respondent)

# JUDGMENT

1. The claimant's claim of unauthorised deductions from wages in respect of unpaid salary between April 2020 and February 2021 is struck out as it was not presented within the time limits set out in the Employment Rights Act 1996 s23(2)(a). A claim of breach of contract in relation to the same set of facts was presented in time and proceeded to be heard.
2. The respondent was in breach of contract by failing to pay full contractual salary to the claimant between the period of April 2020 to June 2021.
3. The parties agreed the outstanding salary figures to be £53.34 in respect of the period between April and May 2020 and £682.47 in respect of the period between June 2020 to February 2021. The respondent is therefore ordered to pay the claimant the total sum of £735.81 as damages for breach of contract.
4. The respondent made an unauthorised deduction from wages by failing to pay the claimant in respect of 4 days annual leave accrued up to his termination date of 25 February 2022 but not taken. The parties agreed the correct hourly rate applying at the time to be £8.91. The respondent is ordered to pay to the claimant the gross sum of £263.74 being the amount unlawfully deducted which is calculated by applying the hourly rate to 7.4 hours per day.

*Employment Judge Boyle*

Employment Judge Boyle

Date 14 September 2022

JUDGMENT SENT TO THE PARTIES ON

.....14<sup>th</sup> September 2022.....

....Eamonn Murphy.....  
FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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