



EMPLOYMENT TRIBUNALS

London South Employment Tribunal on 15th November 2022

Claimant
Mr James Head

Between
&

Respondent
Yes Chef Boxes Ltd

Before
Judge M Aspinall (Sitting as an Employment Judge)

Appearances
Mr J Head, in person

FULL MERITS HEARING Judgment

1. The Respondent did not appear and failed to present any response to the claim at any stage.
2. **Having heard from the Claimant and in the absence of the Respondent, I find:**
 1. That the claim for unlawful deduction from wages is properly made out and succeeds; and
 2. That the Claimant incurred financial losses because of the unlawful deductions made by the Respondent and is entitled to recover those sums; and
 3. That the Respondent failed to pay either holiday or notice pay to the Claimant - either statutory or contractual - and that the Claimant is entitled to recover those sums; and
 4. That the Respondent is ordered to pay to the Claimant, forthwith, **the total sum of £3,566.26**; the Claimant will account to HMRC for appropriate tax and National Insurance.

The amount due is broken down below.

BREAKDOWN

3. **It is declared** that, for the period between 1 April 2022 and 19 May 2022 (35 working days), the Respondent made unlawful deductions from the wages properly due to the Claimant.
 - 35 days x 8.5 hours x £10 per hour = **£2,975.00** gross (the Claimant is to account to HMRC for this sum once received)
4. Within his claim (ET1), the Claimant did not specifically tick the boxes for notice pay or holiday pay but I am satisfied that on a fair reading of his ET1 pleadings (what he wrote in the document), that he was seeking payment of all monies properly due to him on the termination of his employment. This, I find, includes holiday and notice pay. Had the Respondent engaged at any stage of the claim or attended the hearing before me, I would have afforded them an opportunity to make submissions subject to Rule 21(3) of The Employment Tribunals Rules of Procedure 2013 (as amended).
5. The Claimant is entitled to recover the sum due for unpaid holiday (statutory):
 - 8.5 hours x 5 days x 0.3 weeks x £10 per hour = **£127.50** gross (the Claimant is to account to HMRC for this sum once received)
6. The Claimant is entitled to recover the sum due for unpaid notice (statutory):
 - 8.5 hours x 5 days x £10 per hour = **£425.00** gross (the Claimant is to account to HMRC for this sum once received)

7. The Claimant is entitled to recover sums which were incurred by him, because of the unlawful deductions made by the Respondent, which are financial losses that he would not have incurred and cannot otherwise recover:
- Buy back costs from loans secured on personal property = **£38.76** gross (the Claimant does not have to account to HMRC for this sum)

Judge M Aspinall on Tuesday, 15th November 2022

PUBLIC ACCESS TO EMPLOYMENT TRIBUNAL DECISIONS

Judgments and reasons for judgments of the Employment Tribunal are published in full. These can be found online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the parties in a case.

Copy sent to the parties on: **28th November 2022**

Signed:.....
FOR THE TRIBUNAL OFFICE