



EMPLOYMENT TRIBUNALS

Claimant: Mr G Rustean

Respondent: K3 Business Technologies Ltd (in Administration)

Heard at: Watford by video **On:** 9 November 2022

Before: Employment Judge K Hunt

Representation

Claimant: Mr Rustean – in person

Respondent: Not present and not represented

JUDGMENT

1. The Claimant's complaint that there was an unauthorised deduction from wages in respect of unpaid wages for the period 1 to 24 April 2020, one month's pay in lieu of notice and holiday pay is well founded and is upheld.
2. The Tribunal awards the following sums payable by the Respondent, which are awarded gross and the Claimant is responsible for any income tax and employee national insurance contributions which may become due:

2.1 for unpaid wages	-	£2,827.92
2.2 for one month's notice pay	-	£3,584
2.3 for 5.5 days' accrued holiday pay	-	£648
3. The Claimant has a right to a statutory redundancy payment and is awarded the sum of £3,228.
4. The Respondent was in breach of contract in failing to make payments due for wages for 1 to 24 April 2020, notice pay and holiday pay. The damages for breach of contract are combined with the award for unauthorised deduction from wages to ensure the Claimant is not doubly compensated and therefore no further award is made.
5. The claim of unfair dismissal is well founded and the Claimant was unfairly dismissed. The Tribunal determined that a 100% deduction applies pursuant to the case of *Polkey v AE Dayton Services Ltd [1987] IRLR 50* and therefore no compensatory award is made. The Basic Award is reduced by the amount of the statutory redundancy payment awarded and

therefore no further award is made.

6. The Respondent is ordered to pay the above sums.

Employment Judge K Hunt

Date 9 November 2022

JUDGMENT SENT TO THE PARTIES ON

9 December 2022

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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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.