



EMPLOYMENT TRIBUNALS

Claimant: Mr P Dunleavy

Respondent: The Broadway Pub Company Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim of unlawful deduction of wages (arrears of pay) is well-founded and succeeds.

1.1. The Respondent is ordered to pay to the Claimant the gross sum of **£552.88**.

REASONS

1. On **19 October 2022**, the Claimant presented a Claim Form to the Tribunal in which he brought a complaint of unlawful deduction of wages (under section 23 Employment Rights Act 1996), and notice pay. He subsequently confirmed that he was not claiming anything in respect of notice pay.
2. The proceedings were served on the Respondent at the address provided by the Claimant with a response date of **25 November 2022**. However, no response was served. It was later re-served at the Respondent's registered address with a response date of 13 June 2022. Again, however, no response was received.
3. Under rule 21 of the Tribunal Rules of Procedure 2013, where on the expiry of the time limit in rule 16 no response has been presented and no application for a reconsideration is outstanding, an employment Judge shall decide whether on the available material, a determination can properly be made of the claim or part of it. If there is, the judge shall issue a judgment, otherwise a hearing must be fixed before a judge alone.
4. The Claimant worked 40 hours a week and was paid a gross weekly wage of £480.77. As at the date of termination of employment, he had not been paid gross salary of £480.77 in respect of having worked the week of 08 August 2022 and £372.11 in respect of having worked 6 hours in the week of 15 August

2022. The Claimant has provided a breakdown of his weekly pay and has sent text messages between him and his former employer and bank statements..

5. In the absence of any response from the Respondent, and based on the information contained in the ET1 and further information provided by the Claimant, I was satisfied that I had sufficient information to enable me to conclude that the total wages of **£552.88** remained due to the Claimant and were properly payable on termination and that the Respondent had failed to pay those wages. Therefore, I was able to issue a judgment against the Respondent.

Employment Judge **Sweeney**

Date: 13 December 2022