



EMPLOYMENT TRIBUNALS

Claimant: Mr J Ward

Respondent: Bark & Birch Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim in accordance with rule 21 of the Rules of Procedure.
2. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the gross sum of **£7,230.72** (£903.84 x 8 weeks) for March and April 2022.
3. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of **£3615.36**. This is a net sum but is based on the claimant's gross pay because it is likely that upon receipt the claimant will have to pay tax on this amount as Post Employment Notice Pay. (£903.84 per week gross x 4 weeks).
4. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of **£3,434.59** (£903.84 per week divided by 5 days x 19 days accrued annual leave on termination).
5. The respondent was in breach of contract by failing to reimburse the claimant for expenses incurred in March and April 2022. Therefore, the respondent is ordered to pay the sum of **£2,815.00**.
6. The respondent was in breach of contract by deducting pension contributions from the claimant's pay but not applying the pension contributions to the claimant's pension. The respondent is therefore ordered to pay the claimant **£1,490.55** for this breach.

Employment Judge Slater

Date: 14 December 2022

JUDGMENT SENT TO THE PARTIES ON

19 December 2022

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2406465/2022**

Name of case: **J Ward** v **Bark & Birch Ltd**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 19 December 2022

the calculation day in this case is: 20 December 2022

the stipulated rate of interest is: **8% per annum**.

For the Employment Tribunal Office