



EMPLOYMENT TRIBUNALS

Claimant: Mr H Jogee

Respondent: Greater Manchester Football Club Limited

JUDGMENT having been sent to the parties on **28 November 2022** and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

REASONS

1. By a claim form dated 25 August 2022 the claimant claimed that the respondent had made unauthorised deductions from his wages in breach of s.13 of the Employment Rights Act 1996 by failing to pay his wages for April and May 2022. In his claim form he gave his monthly pay as £905.00 gross.

2. The claimant's claim was sent to the respondent by the Tribunal on 1 September 2022. A response was required by 29 September 2022. None was received. On 18 October 2022 the Tribunal wrote to the respondent to say that because no response had been entered judgment may be issued against it under Rule 21 of the Employment Tribunal Rules 2013.

3. Rule 21 of the Employment Tribunal Rules 2013 says that where the respondent has failed to present a response an Employment Judge shall decide whether on the available material a determination can properly be made of the claim or part of it. To the extent that a determination can be made the Judge shall issue a Judgment (rule 21(2) and (3)).

4. In the case of **Limoine v Sharma UKEAT/0094/19/RN** the Employment Appeal Tribunal noted (at paragraph 25 of its Judgment) that rule 21(2) requires a Judge to decide whether on the available material a determination of the claim can properly be made. At paragraph 26 of its Judgment it said that the rule neither requires nor permits the Judge to enter judgment simply because the claim is undefended and without giving any further consideration to the matter. Instead, the Judge needs to be satisfied that a determination can properly be made. Otherwise there has to be a hearing. The EAT said that it seemed to it that the Judge needs to be satisfied "on the information contained in the claim form and any other documents or materials before them, and, in view of the claim being undefended, treating what the party advancing the claim says as undisputed fact, that the factual elements necessary to make good the claim in law are made out".

Case No: 2406566/2022

5. Applying that approach to this case I find on the materials before me that the respondent made unlawful deductions from the claimant's wages by failing to pay his wages for April and May 2022. Treating the claimant's claim form as undisputed fact, I find he was entitled to gross wages of £905 per month and that he was not paid those wages for 2 months. The gross amount deducted is £1810.00. I give judgment in that gross amount on the basis that the claimant will be responsible for accounting for any relevant amounts to be deducted for tax and national insurance to the relevant authorities

Employment Judge McDonald
Date 21 December 2022

REASONS SENT TO THE PARTIES ON
22 December 2022

FOR THE TRIBUNAL OFFICE