



EMPLOYMENT TRIBUNALS

1st Claimant: Mr Gracjan Filuda

2nd Claimant: Mr Krystof Rentz

Respondent: Cheshiregate Property Services Limited

Heard at: Manchester

On: 17 February 2023

Before: Judge Abigail Holt (sitting alone)

REPRESENTATION:

Claimants: Litigants in person

Respondent: No attendance

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The Interim Judgment of the Tribunal is that:

1. The claims were validly issued in the Manchester Employment Tribunal and 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, or part of it, in accordance with rule 21 of the Rules of Procedure.
2. The Respondent has made unauthorised deductions from the 1st Claimant's wages (basic wages and overtime) and must pay the 1st Claimant £1,362.60 (net).
3. The Respondent has made unauthorised deductions from the 2nd Claimant's wages (basic wages and overtime) and must pay the 2nd Claimant £1,632.60 (net).
4. The claims succeed and further remedies that the Claimants are entitled to will be determined at a Remedy Hearing.
5. Pursuant to Rule 29 of the Tribunal's Procedure Rules, the Claimants are both given permission to amend their Claim forms in relation to the types of claims outstanding ("heads of loss") and the amount of these outstanding claims.

6. The Tribunal has issued Directions for the future conduct of the case which will be served on the Claimants and the Respondent.

Summary

7. I find that:

- I. The claimants are both entitled to unpaid wages/arrears of pay including overtime in the sums:
 - a. The 1st Claimant (Filuda) £1,362.60;
 - b. The 2nd Claimant (Rentz) £1,632.60;**
- II. The claimants both have permission to amend their claims pursuant to Rule 29 of the Employment Tribunals Rules of Procedure 2013.**

Tribunal Judge Holt sitting as an Employment Judge
28 February 2023

Judgment sent to the parties on:
9 March 2023

For the Tribunal Office



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2408541/2022 & Other**

Name of case: **Mr G Filuda & Other** v **Cheshiregate Property Services 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: 9 March 2023

the calculation day in this case is: 10 March 2023

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

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:
www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.