



EMPLOYMENT TRIBUNALS

Claimant: Mr Matthew Kendall

Respondent: Streetteam Software Limited

Heard at: London South Tribunal

On: 3rd April 2023

by: CVP

Before: Employment Judge Clarke (sitting alone)

Representation

Claimant: Mr Kendall (in person)
Respondent: Not attending

This case was listed for final hearing today by CVP together with 5 other similar claims against the same Respondent. Mr Kendall's claim was made as a freestanding claim and has not been consolidated with any of the associated claims which are as follows:

2302817/2022	Angela Odogwu (Johnson) -v- Streetteam Software Limited
2302876/2022	Lewis Chappell -v- Streetteam Software Limited
2302877/2022	Curan Tahim -v- Streetteam Software Limited
2302878/2022	Tom Magrath -v- Streetteam Software Limited
2302879/2022	Emily Isabelle Morris -v- Streetteam Software Limited

The Respondent has not filed any response to any of the claims and is now in administration. Administrators appointed on 16th August 2022 confirmed that they had no objection to an Employment Tribunal hearing taking place to consider any claim against the Company but whilst no admissions were made as to the claims there would be no attendance at the hearing on behalf of the Respondent.

Notice of today's hearing was only sent to Mr Kendall and not to any of the other Claimants. Having regard to the overriding objective the hearing proceeded as a final merits hearing in respect of Mr Kendall's claim alone and this judgment relates to his claim alone. Separate Case Management directions will be made in respect of the other claims.

JUDGMENT

The judgment of the Tribunal is that:

- (1) The Claimant's claims that the Respondent had wrongfully dismissed the Claimant, breached the Claimant's contract and made an unlawful deduction from the Claimant's wages pursuant to section 13(1) of the Employment Rights Act are well founded. This means that the Claimant's claim succeeds.

The Respondent has made an unlawful deduction from the Claimant's wages and is ordered to pay to the Claimant in the **gross sum of £12,660.32**, being the sum shown on the Claimant's final payslip and remaining unpaid.

The £12,660.32 outstanding comprises of the following amounts follows:

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|-------|-----------|---|
| (i) | £1,615.39 | being unlawfully deducted wages for the period 1 st to 9 th June 2022 |
| (ii) | £6.46 | being unpaid contractual reimbursement for use of private telephone on company business |
| (iii) | £1,038.47 | in respect of accrued holiday outstanding at the termination of employment |
| (iv) | £5,000.00 | payment in lieu of notice |
| (v) | £5,000.00 | contractual redundancy payment |

For the avoidance of doubt, payment of the gross sum ordered may be reduced by national insurance and income tax as per the payslip produced by the Respondent for the pay period to 30th June 2022.

- (2) The Claimant's claim for consequential losses is dismissed on withdrawal.

Employment Judge L Clarke

Date: 3 April 2023

Sent to the parties on

Date: 13 April 2023

The reasons for this decision were given orally at the hearing. Written reasons will not be provided unless they are asked for by a written request presented by any party within 14 days of this written judgment being sent to the parties.

Public access to employment tribunal decisions

Note that both 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 parties.

