



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr Yan Farrell

AND

Respondent
SBFM Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD REMOTELY
BY Video (VHS)

ON

10 May 2023

EMPLOYMENT JUDGE N J Roper

Representation

For the Claimant: In person
For the Respondent: Did not attend

JUDGMENT

The judgment of the tribunal is that the claimant succeeds in his claim for unlawful deduction from wages and the respondent is ordered to pay the claimant the gross sum of £1,011.00.

REASONS

1. In this case the claimant Mr Yan Farrell brings a monetary claim for unlawful deduction from wages against his employer SBFM Limited. The respondent entered a notice of appearance denying the claims, but it failed to attend today's hearing.
2. This has been a remote hearing on the papers which has been consented to by the parties. The form of remote hearing was by video (VHS). A face-to-face hearing was not held no one requested the same and all issues could be determined in a remote hearing.
3. I have heard from the claimant. The respondent entered a notice of appearance denying the claims, but otherwise failed to engage with either the claimant or the Tribunal office, and it failed to attend today.
4. Applying Rule 47 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, Schedule 1, I decided to proceed with the hearing in the absence of the respondent having considered such information as was available.
5. I found the following facts proven on the balance of probabilities after considering the whole of the evidence, both oral and documentary, and after listening to any factual and legal submissions made by and on behalf of the respective parties.

6. The claimant commenced employment with the respondent on 1 June 2022 as a cleaner and he remains in their employment. The claimant accepted he was made an overpayment of approximately £800.00, which he says was then deducted from his normal salary by way of repayment, and this payment does not form part of his claim today. He claims unlawful deduction from wages in respect of three deductions.
7. The first deduction was for a shift which he worked on 1 October 2022 for which he should have been paid £230.00 plus £81.00 fuel allowance. This sum of £311.00 has not been paid as agreed.
8. The second deduction was in about August 2022 when the claimant acted up as a supervisor at a supervisor's rate. The agreed rate for the week was £480.00 but he was only paid £80.00, which is a further deduction of £400.00.
9. The third deduction occurred in September 2022 when the sum of £300.00 was deducted without explanation from the claimant's salary for that month.
10. I find therefore that the respondent has unlawfully deducted the total sum of £1,011.00 from the claimant's salary.
11. Having established the above facts, I now apply the law.
12. The claimant claims in respect of deductions from wages which he alleges were not authorised and were therefore unlawful deductions from his wages contrary to section 13 of the Employment Rights Act 1996.
13. Accordingly, the respondent is ordered to pay the claimant the gross sum of £1,011.00.

Employment Judge N J Roper
Dated: 10 May 2023

Judgment sent to Parties on 22 May 2023

For the Tribunal Office