



# EMPLOYMENT TRIBUNALS

**Claimant:** MRS D ASBREY

**Respondent:** MR KULDEEP HEER

**Heard at:** Watford

**On:** 16 June 2023

**Before:** Employment Judge Skehan

## Appearances

For the claimant: In person

For the respondent: No attendance

# JUDGMENT

1. The respondent has made an unauthorised deduction from the claimant's wages in respect of arrears of pay from 1 August 2021 to 5 November 2021 and is ordered to pay the claimant the gross/net sum **of £4884.82** to be paid within **14 days** from the date of this Judgment.
2. The claimant's claim for unfair dismissal and accrued but untaken holiday entitlement was dismissed as the Employment Tribunal does not have jurisdiction to consider these claims. The claimant's employment was ongoing and no notice of termination of employment had been served at the date of the ET1.
3. For the avoidance of doubt:
  - a. Following discussion with the claimant, there is no identifiable claim within the claim form for 'detriment' on the grounds that she has made a protected disclosure contrary to S47B of the Employment Rights Act 1996.
  - b. The claimant's letter to the Employment Tribunal sent at some point in March/April 2023 mentioned an allegation of race discrimination, said to have happened in August 2021. At the claimant's request, this was treated as an application to amend her claim. No details of the alleged race discrimination claim were provided in writing. The claimant's application to amend her claim was unsuccessful and dismissed.<sup>1</sup>

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<sup>1</sup> Reasons for the decision were given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

4. There is no other claim to be determined within this litigation.

Employment Judge Skehan

Date: 20 June 2023

JUDGMENT SENT TO THE PARTIES ON

24/7/2023

AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE