



EMPLOYMENT TRIBUNALS

Claimant: Mr J A Bermudez Gil
Respondent: Jam Jar Cornwall Limited
Heard at: Brighton Hearing Centre (by CVP)
On: 21 July 2023
Before: Employment Judge Byrne

Representation

Claimant: In person
Respondent: Neither present nor represented

UPON the Respondent failing to attend or be represented;
UPON the Tribunal being satisfied, pursuant to Rule 47 of the Tribunal's Rules of Procedure, to proceed in the absence of the Respondent;

JUDGMENT

The Judgment of the Tribunal is:

1. The Respondent made an unauthorised deduction from the Claimant's wages.
2. The claim in respect of holiday pay succeeds.
3. The claim that there was a failure to give a statement of employment particulars succeeds.
4. The Claimant is awarded the following amounts by way of remedy:

a) Unauthorised deductions from wages

£36,722 salary - £32,000 received = £4,722

+

Tips owed = £3,700

+
Loyalty bonus = £3,672

Subtotal: £12,094.00 (NET)

b) Holiday pay

3.26 (weeks) x £1,210.74 = £3,947.01 (NET)

c) Failure to give statement of employment particulars

4 weeks' pay (£1,210.74 x 4) = £4,842.96 (NET)

5. All figures are expressed as net amounts. The grand total sum **of £20,883.97** is payable to the Claimant by the Respondent forthwith.

Employment Judge M Byrne
Date: 31 July 2023

Judgment sent to the Parties on 16 August 2023

For the Tribunal Office

Notes

Reasons for the judgment having been 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.

Public access to employment tribunal decisions

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 claimant(s) and respondent(s) in a case.