



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Joe Massey

**Respondent:** STR 48 Ltd

**Heard at:** London South Employment Tribunal  
**On:** 4<sup>th</sup> September 2023

**Before:** Employment Judge Downs

**Representation**  
**Claimant:** In person  
**Respondent:** Failed to appear

## JUDGMENT

The Judgment of the Tribunal is:

1. It is declared that the claim for unlawful deduction of wages is well founded.
2. The Respondent shall pay the Claimant **£3,336.29** (gross wages)

## REASONS

3. The Claimant was employed as a general manager of a restaurant owned and run by the Respondent from 15<sup>th</sup> May 2021 to 22<sup>nd</sup> February 2023.
4. The claim is for arrears of pay which arose at the point that the Claimant's employment came to an end. This came on the resignation of the Claimant – the Respondent having stopped paying his salary in full.
5. The Tribunal directed under Rule 18 that the Respondent had failed to submit a response in time and it was rejected. The Respondents could only participate in the hearing as directed by the Tribunal. In the event, they chose not to attend at all.
6. The Tribunal heard sworn evidence from the Claimant and read a clip of documents submitted by him – including pay slips that were accessible when the Claimant was provided with his P45 but which were not honoured by the Respondent.
7. The Claimant is paid one month and one week in arrears.

8. The Tribunal is concerned with gross earnings. The Claimant will need to account to the Revenue for tax that may be owing.
9. The Claimant was owed £2,333.33 gross for the month ending 5<sup>th</sup> February 2023 – of which he was only paid £381.35. This means he is owed £1,951.98 for that month – albeit the Claimant will need to account for tax.
10. The Claimant worked for two weeks in the period which should have been covered by his salary payable on 5<sup>th</sup> March 2023. However, he was paid nothing. Calculating a weekly rate of gross pay as £692.15, the Claimant is entitled to £1,384.31 (gross) for that latter period.
11. In total he is owed £3,336.29 (gross wages).
12. The Claimant complains of unpaid statutory sick pay. This is a matter for HMRC.

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Employment Judge Downs  
Date: 4 September 2023